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THE DANUBE







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# THE DANUBE

ITS HISTORICAL, POLITICAL AND  
ECONOMIC IMPORTANCE

BY

DR. HENRY HAJNAL



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1920



# THE DANUBE

ITS HISTORY, LITERATURE AND  
TOPOGRAPHY



BY EDWARD H. LEITCH

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## PREFACE.

At the London Congress in 1883 Sir Charles Dilke said that there were many people who knew a little about the Danube, but that there was not a single one who knew the subject thoroughly. This remark, and the fact that the Allied and Associated Powers have declared, in the various Treaties signed in Paris in 1919 and 1920, that they are to draw up a „General Convention” for the Regulation of traffic on the Donube and all other rivers declared international by those Treaties, have encouraged me to write this work.

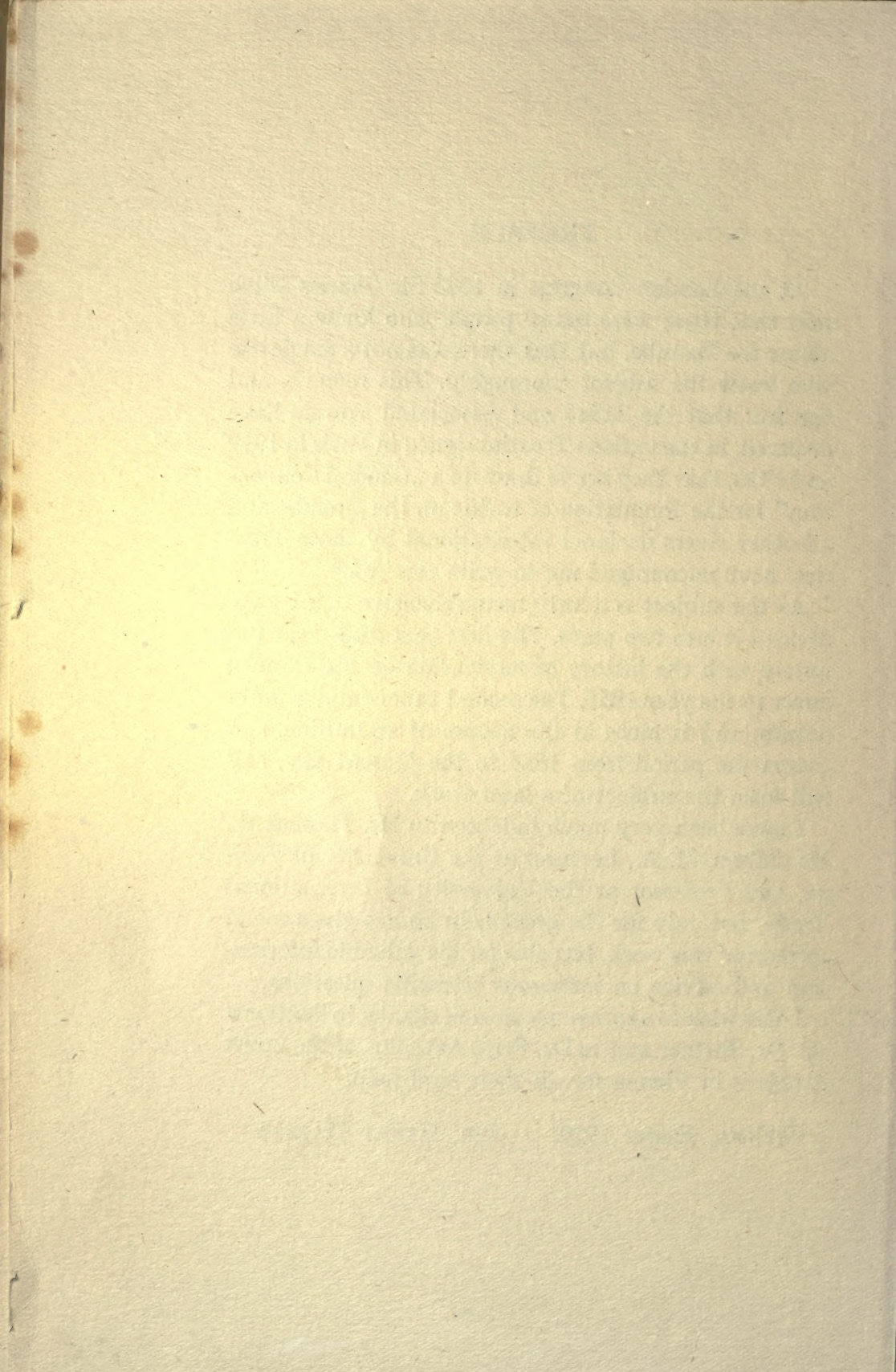
As the subject is a very comprehensive one I have divided it into two parts. The first part deals very minutely with the history of navigation on the Danube down to the year 1856. The second part contains fewer details, and is more in the nature of an outline, and covers the period from 1856 to the present day, and will form the subject of a later work.

I have been very much indebted to Mr. Thomas W. Mc Callum, M. A., Lecturer at the University of Vienna, and Professor at the University of International Trade, not only for the great help he has given me in correcting this work, but also for his valuable information and advice on numerous scientific questions.

I also wish to express my sincere thanks to Sektionsrat Dr. Bittner and to Dr. Fritz Antonius of the Court Archives in Vienna for all their kind help.

VIENNA, Easter 1920.      DR. HENRY HAJNAL.







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INTERNATIONAL LAW WITH REGARD TO RIVERS





## First Part.

### INTERNATIONAL TRADE AND INTERNATIONAL LAW.

International Law regulates the relations between states in times of peace and war. The rules for peace refer to international traffic, and are mostly economic; the rules for war refer to the manner of waging same.

The rules of International Law are of a later date than those of Civil Law, and still more so than those of Public Law. Public Law, which regulates the connection between the state and its subjects, dates from the institution of the clans. The state to-day is the child of the clan of ancient times. Every member of the clan was obliged to work for the clan, and he had to be fed, and protected by the clan. He was also entitled to take part in the management of the affairs of the clan, at whose meetings the chieftain presided.

At that time Civil Law was still very primitive, the individual rights of the members of the clan being scarcely recognized. Public Law, on the other hand, played a prominent part. The earnings of the individual members of the clan were the property of the clan; their lives, too, were in the hands of the head of the clan. Neither the right of the individual to his earnings during



his life, nor his right to make a will was recognized.

Civil Law developed with the gradual development of the clan into the race, and of the race into the state. The nomads were divided into races and had no permanent homes <sup>1)</sup>. The first beginnings of the state are seen in the towns of ancient Greece, and afterwards in Rome.

Civil Law in Rome was very highly developed, and the classical law of the Roman emperors forms the foundation of Civil Law in the most advanced states of to-day. Numerous branches of Civil Law began to develop much later, as, for example, the so-called rights of person, the protection of patents, the copyright etc. The family and hereditary rights, and the different branches of the right of property are certainly to-day more developed than they were in Rome, but that does not alter the fact that the Roman Empire gave them birth.

International Law has not such an illustrious parent, and the rules about the waging of war are of a much more recent date. Public and Civil Law were already recognized at a time when the nations were still fighting with poisoned weapons, either killing their prisoners or making them slaves. The spreading of Christianity, which civilized as it went, changed the situation, and introduced the elements of humanity. The rules of international law referring to economic life in time of peace were not recognized till much later.

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<sup>1)</sup> Woodrow Wilson in his work, "The State", says that the idea of the state is independent of permanent territory, which is not necessary to the existence of a state.



As long as there were states bent on ruling the world, the economic elements of International Law were unknown. The Roman Empire was determined to rule over the whole world, and would make no economic agreements with other states. It was exactly the same with the migratory peoples and the German Emperors of the Middle-Ages. The economic rules of International Law began to develop only after the nations came to realize that they were dependent on each other. This development began towards the end of the Middle-Ages and is still going on.

The idea of international trade is still young. It is not to be confused with political economy; it does not deal with the questions of production and consumption, because these most important branches of economics concern, first and foremost, the nation. International trade is also very productive, enhancing, as it does, the value of economic assets. But it is only possible where there are easy means of communication.

The present means of communication are all more or less inventions of our time. Most of the Roman roads, which were also the chief trade routes, were destroyed during the migratory period, and so the principal means of communication was by water. A perusal of the first treaties between the different states shows this very clearly.

#### RIVER NAVIGATION BEFORE THE FRENCH REVOLUTION.

The principle of free navigation, by which is meant the right to trade on a river free of duty, may be construed in different ways.



The river may be used for navigation, free of duty, only by the Riparian States. This is a very narrow idea of freedom. It would hardly be possible for one Riparian State to refuse another the right of free navigation, because this would only lead to retaliation. Ernest Nys in his work, "*Le droit international*", says: "*Les États riverains d'un même cours d'eau, sont les uns vis-à-vis des autres dans une interdépendance physique qui exclut l'idée d'une entière autonomie de chacun d'eux sur la section de cette voie naturelle relevant de sa souveraineté.*"

The real meaning of free navigation, as we understand it, must be that it is free to all and sundry, and no difference must be made between the subjects of Riparian States and those of Non-Riparian-States.

We have only been dealing with rivers, which either separate two states, or flow through two or more states. Rivers rising in one country and flowing, either into the sea or into another river in the same country, do not come under the ban of International Law. Neither do unnavigable rivers.

There are writers on International Law, who advocate international freedom on the former class of rivers too, but we must not forget that opinions about International Law are not legally binding. The opinions of writers on International Law can and must be taken into consideration when we lay down or explain rules, but these opinions of themselves can not be regarded as rules.

Etienne Carathéodory ("*Du droit international concernant les grands cours d'eau*"), F. H. Geffcken ("*La*

question du Danube"), and other considerable writers on International Law assert that Roman Law recognized the principle of the free navigation of rivers, and they cite, as proof, the celebrated authorities on classical Roman Law, Paulus and Marcianus. ("Flumina publica quae fluunt ripaeque eorum publicae sunt", 1. 3. D. de fluminibus; "Et quidem naturali jure communia sunt omnium haec: aër, aqua profluens et mare et per hoc littera maris", § 1, I. de rer. div. 2., 1.).

From the point of view of International Law I can not agree with this idea, because it is contradictory, not only to the history of the Roman Empire, but also to a proper understanding of Roman Law.

The Roman Republic and the Roman Empire lost no opportunity of extending their boundaries, and would not recognize any other similar state as being worthy of being treated as a contracting party. The Roman Emperors who ruled during the life-time of the above-mentioned classical scholars, Paulus and Marcianus, respected the autonomy of the subjected nations, but made no treaties or agreements of any kind with them.

The real spirit of Roman Law is also in contradiction to the opinions of the above-mentioned writers on International Law. Roman Law recognizes as legally competent, only the Roman citizen, "civis optimo jure". The stranger could not enjoy the privilege of Civil Law; he could, it is true, carry on business, but he was beyond the pale of the benefits of Civil Law. It is also true, that the Roman Emperors gradually extended, not only the boundary-line of their empire, but also their sphere of influence, with regard to Civil



Law. This, of course, had nothing to do with International Law. The opinions of Paulus and Marcianus as set forth above are Public Law, but not International Law.

The Middle-Ages was an unfavourable period for the development of the different branches of law. Civil Law shows a regress as opposed to Roman Law; the scholars restricted their labours to making compilations of the writers of classical Roman Law, and so they were called "compilatores"; they did not study the original works of classical Roman Law, but merely contented themselves with paraphrases of it.

Political motives were the cause of the retrocession in Public Law. The power of the king had to be shared by the Feudalists. The upholders of feudal rights treated public rights as if they were their civil rights, and considered them as sources of their own aggrandizement. In this the emperors led the way, by declaring the levying of river-tolls to be a royal prerogative.

The Feudalists illegally demanded heavy taxes from the boatmen crossing the river, which flowed through their territory, and we can read in the work of C. V. Suppan, "The Danube and its Navigation", that the robber-knights "Kuenringer" at Aggstein and Dürnstein (on the banks of the Danube in Austria) fastened chains across the Danube, in this manner forcing the boatmen to stop and pay the taxes. We read, nevertheless, that the robber-knights were very often not content with the taxes, but robbed the boatmen too.

But the legal charges of the Middle-Ages were also very numerous and heavy, for example, the staple

rights of Zeeland on the Scheldt, of the towns along the banks of the Danube, and of Cologne and Mainz on the Rhine. Ships anchoring in townships possessing this staple-right had to remain there a certain number of days and offer their goods for sale. The staple-right eventually turned into the right of transshipment, by which, townships possessing this right, could compel foreign shipowners to transfer their cargo into local ships. The right of salvage entitled a landed proprietor to the possession of the goods in the ship beached on his ground.

In addition to these burdens, there were also numerous river tolls and shipping duties.

Ed. Engelhardt in his work, "*Du régime conventionnel des fleuves internationaux*", pp. 12. and 13. says: "Le commerce et la batellerie, étaient tellement domagés que plus bonnement ne pouvaient plus fréquenter les dites rivières."

The 11th and the 12th centuries, i. e. the period of the renaissance, witnessed the rejuvenation of the science of law, especially in the universities of Italy. The first known international treaty about the free navigation of rivers, abolishing the above-mentioned, system of the Middle-Ages dates from this period:

"Pactum Ferrariae de tenenda aqua Padi omnibus aperta."

("Ferrara, 8th June 1177). Hoc est exemplum cuiusdam Instrumenti sic incipientis. In nomine Domini nostri Jesu Christi die Mercurii quod fuit VIII dies intrante mense Junii. In presencia Comitiss Agonis, Rugerii Marcellini consulis Mediolani, Ildibrandi de magistro Gualfredo de Bononia, Pipi de filiis Manfredi potestatis Mutine, Johannis Veneri et Casoli qui erant nuncii ducis Veneciarum, et Johannis Michaelis de Venecia, et Vitalis de Pedro de Foscardo, Petri de Sancta Justina qui erant consules Ravenne, et Aquelli iudicis, Vilani de vicecomite qui erant



consules Mantue. In quorum presencia et aliorum plurium Consules Ferrariae juraverunt aperire aquam Padi libere omnibus hominibus et apertam omnibus hominibus eam tenere, nec ullo tempore eam claudere, et hoc observare bona fide et sine fraude ulla...."<sup>1)</sup>

According to this treaty the Representatives of Ferrara, after giving the names of those present, when the treaty was signed, declare on oath that they will make the river Po free to everybody, keep it open, and never close it, and all this in good faith and without fraud. The principle of free navigation contained in the "Pactum" of Ferrara with the mandatories of the towns Milan, Bologna, Modena, Venice, Ravenna and Mantua, is, like the treaties of the following centuries, not assured to "omnibus hominibus", but only to the contracting parties.

The second extant document about free navigation contains the privilege given by Vladislav, Prince of Wallachia, in 1368, and extended by Prince Mircea in 1413, to Hungary, to buy and sell goods on the Danube, from the Iron Gates to Braila<sup>2)</sup>. The fourteenth and the fifteenth centuries were the glorious days of Hungary. During that time the Hungarian kings, being also kings in foreign lands, had great political influence abroad.<sup>3)</sup>

We now come to the third document referring to river navigation.

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<sup>1)</sup> The text of this treaty is to be found in Pasolini's "Documenti riguardanti Antiche relazioni fra Venezia e Ravenna" 1881, doc. III. p. 13. and in Strupp's "Urkunden zur Geschichte des Völkerrechts." 1911.

<sup>2)</sup> The text of this privilege is to be found in "Hurmuzaki, Documents, publié par Nicola Jorga" Vol. XV. pp. 1. and 8.

<sup>3)</sup> Lewis ruled also over Poland, while Albrecht was also German Emperor.

In the year 1521 the middle and lower course of the Danube came into the possession of the Turks, who made their first "Capitulation" to the French in the year 1535, granting them free navigation on Turkish waters, and so also on the Danube <sup>1</sup>). The wording of the article referred to is as follows:

"Premièrement, ont traité, fait et conclu bonne et sure, paix et sincère concorde aux noms des susdits grand-seigneur et roi de France, durant la vie de chacun d'eux et pour les royaumes seigneuries, provinces, châteaux, cités, ports, échelles, mers, îles et tous lieux qu'ils tiennent et possèdent à présent et posséderont à l'avenir, de manière que tous les sujets et tributaires des dits seigneurs, qui voudront, puissent librement et sûrement, avec leurs robes et gens, naviguer avec navires armés et des armes, chevaucher et venir, demeurer, conserver et retourner aux ports, cités et quelconques pays, les uns des autres, pour leur négoce, même pour fait et compte de marchandises. (Nora-dounghian I. 83. Strupp I. 11. Travers-Twiss 454.)

The applicability of this treaty to the Danube had certainly no great practical value, because, at that period, French navigation at the mouth of the Danube was of minor importance, the Turks treating the Danube as a "closed Turkish lake" <sup>2</sup>). The Turks were known for their mal-administration and for their inability to organize trade, and they did nothing to encourage international traffic on the Danube. They considered the countries situated along the banks of the Danube as their granaries. Constantinople was the only place to which those countries could export their surplus crops, and that surplus was only allowed to be exported, after Turkey's demands had been supplied.

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<sup>1</sup>) The first Turkish "Capitulation" to England was in 1675.

<sup>2</sup>) See C. J. Baicoiano, "Geschichte der rumänischen Zollpolitik seit dem 14. Jahrhundert bis 1874, Stuttgart, 1896.



But the Turkish merchants arrogated to themselves the right of fixing the prices, and, in this way, those countries were exploited.

Raicewich in his work, "Histoire de la Moldawie et Walachie" Paris 1778, when referring to this subject says: "In summer many Turkish ships landed at Galatz and Braila; they came from Trebisonde. The Moldavians and Wallachians were obliged to bring their products to those ports, and sell them at prices fixed by the Turkish merchants. The poor sellers had to be content with whatever they got, and they were very happy if they got home with a whole skin."

Nevertheless Turkey did some foreign trade, as is to be seen from a document of 1588, which informs us that Prince Peter II. of Moldavia granted reduced tolls to England. (See M. Mitilineu, *Collectiune de tratatele Romaniei*, Bukarest 1874, p. 32).

Also the following Article X. of the Treaty of the 1st May 1616, granting the Austrian Emperors commercial liberty, had a beneficial influence on the Austro-Turkish traffic on the Danube: <sup>1)</sup>

"Les marchands des royaumes et des États de l'empereur des Romains, ainsi que ceux des États de la Maison d'Autriche, qui voudront venir dans nos États, avec des marchandises ou avec de l'argent, auront la faculté d'y venir sous le pavillon et avec des patentes de l'empereur des Romains, mais sans ces pavillons et patentes, il ne leur sera pas permis d'y venir. Si toutefois ils y venaient sans ces pavillons et patentes, les agents et consuls de l'empereur des Romains pourront saisir leurs navires, leurs marchandises et leur argent, et ils en informeront S. M. Impériale."

"Ainsi, les marchands de l'empereur des Romains, ceux de la maison

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<sup>1)</sup> See "Recueil des Traités de la Porte Ottomane, Tome neuvième, Autriche, Par Le Baron I. de Testa, Paris, 1898.

d'Autriche, ainsi que ceux du roi des Espagnes, tant ceux des provinces belges que d'autres de ces États, pourront venir dans nos États et s'en retourner tranquillement avec leurs navires, avec des marchandises et de l'argent, en payant trois pour cent tant sur les ventes que sur les achats qu'ils feront. Ils payeront à l'agent de l'empereur des Romains et à ses consuls le droit de deux aspres pour cent qui leur est dû. Il appartiendra à l'agent ou aux consuls de l'empereur des Romains de terminer les affaires des marchands."

"Si quelqu'un desdits marchands venait à mourir, l'agent ou les consuls de l'empereur des Romains pourront faire un inventaire de tous les biens du défunt et se mettre en possession de ces biens, sans que notre fisc puisse s'en mêler en aucune manière."

"Les marchands qui auront payé dans un port les droits de douane pour leurs marchandises, ne seront plus tenus de payer nulle part un droit quelconque pour ces mêmes marchandises."

"S'ils avaient entr'eux ou avec d'autres quelque procès ou différend qui excédât la valeur de quatre mille aspres, le juge du lieu ne pourra point connaître de ce différend, mais ce sera devant le Cadi de la Porte qui le différend sera jugé."

That the Hungarians were becoming interested in the subject of Free Navigation can be gathered from a law passed by their parliament sitting at Pressburg, (Pozsony) the old capital, regulating navigation on the river Gran, in the year 1596. This law runs as follows:

"Constitutio Poseniensis 1596: Et quia in fluvio Granensi multa habentur molendina, aditum ad civitatem Strigoniensem impediencia, vel saltem difficilem ac periculosum navigiorum transitum reddentia, id quod, sicut experientia docuit munitioni Strigoniensi magno hactenus obstaculo fuit: Igitur statutum est, ut omnes Domini Praelati, Barones, ac alii cujusvis conditionis homines, easdem molas cum suis atinentiis ita accomodent, ut omnis generis navigia et rates pro advehenda calce, roboribus, et lignis ac victualibus, aliisque rebus necessariis, sursum et deorsum, citra periculum Strigonium deduci et reduci possint. Alioquin Comites et Vice-Comites, aut illis nolentibus aut insufficientibus supremus Capitaneus ejusmodi molendina et obstacula, statim et de facto distrahenda curet."

The above-mentioned treaties, although touching the subject of the freedom of river-navigation, do, by



no means, prove that that freedom was universally acknowledged and applied. Although they to some extent abolished the restrictions of the Middle-Ages, they were only sporadic attempts to regulate traffic on rivers of small importance for international trade at that time, and applied only to the contracting parties.

It may be assumed that the teaching of the scholars of law of the 11th and 12th centuries who were called "Glossatores", because they only "glossarised" i. e. annotated the original works of the classical Roman scholars, and wrote their commentaries either as marginal notes or between the lines of the text, was revealed in the Treaty of Ferrara. But the successors of the "Glossatores", who, in turn, annotated the annotations of the "Glossatores" ("glossare glossas") and are therefore called „Postglossatores", exercised undoubted influence on international law and also on the treaties about free navigation. This influence of the "Postglossatores" is acknowledged by every writer on International Law<sup>1</sup>).

An important document appeared at the same time, the "Consulate del mar", a codification of maritime law. As there was no international legislative body in existence at that time, similar to the International Congresses of to-day, International Law was founded on the universally acknowledged customs of the peoples.

We have already spoken about the great influence of Christianity on the manner of waging war. Also the

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<sup>1</sup>) See Nys, *Le droit de la guerre et les précurseurs de Grotius*.

writings of the monks at this time did much to humanize the people. International Law, which had now got a firm footing, was greatly encouraged by two important factors, the one political, the other economic. The political factor was the establishing of Christian states in Europe. The economic factor was the untenable situation of navigation on the Rhine, the Meuse, and the Scheldt, caused by the many and heavy taxes. These were practically the only rivers of international importance on the continent down to the end of the 16th century.

The states which grew up one after another on the banks of those rivers at that time, were inclined to think that the rivers were the exclusive property of the state, and that exorbitant taxes could be levied for their use. It was this popular, though very unsound, belief that was to blame for the many high taxes on the Rhine, the Meuse, and the Scheldt, which gave rise to so many complaints at the beginning of the 17th century. A very unexpected, though natural result of those taxes was the development of a number of Dutch seaports, e. g. Dordrecht.

The Dutch historian, P. J. Blok, writing about this period in his "History of the Netherlands" vol. 4. p. 447, says: "The river-traffic on the Meuse, Rhine and Scheldt, for which duties were charged, was very remunerative." Vol. 6. p. 77: "Heavy duties hindered commercial intercourse also on the Meuse; the commodities exported by the sea-powers were lightly taxed, while those of the Provinces were very heavily taxed."

With regard to the importance of those rivers Blok



continues: "Dutch-German trade was carried on on the great rivers between the Meuse and the Elbe. The Dutch merchants appeared on the Elbe even as far down as Magdeburg. . . . The traffic on the Rhine was very important. The Dutch merchants exported wine, wood, munitions, colonial produce and industrial articles. Cologne and Frankfurt were the principal markets."

During the Thirty Years War there appeared Hugo de Groot's well known work, "*De jure belli ac pacis*" <sup>1)</sup>, which, along with his other numerous works, did much to mitigate the hardships of the Middle-ages caused by the barring of the doors of each separate state to the trade of all the others. Grotius was a whole-hearted supporter of the unrestricted freedom of trade on all rivers, and, as we shall see later on, this maxim was approved of and acted upon by the plenipotentiaries who drew up and signed the Treaties of Westphalia. These treaties were the first of their kind, for they were based on the principle of the interdependence of the nations on each other, and so they are said to have given birth to International Law. We must consider them as a culminating point in the history of International Law.

According to a German historian, this same culminating point was to be Germany's death-blow, and we read in the "Memorials of Brandenburg" that the German rivers became "the prisoners of foreign nations." The writer evidently means that the mouth of the Rhine

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<sup>1)</sup> See: "Hugonis Grotii de Jure Belli ac Pacis, Libri Tres. . . . Amstelædani 1650." Also Pufendorf in his work "*De jure Naturæ et Gentium, libri octo, Francofurti ad Moenium 1684*," upholds this point of view.

became Dutch, the Weser, Elbe, and Oder Swedish, and the Vistula Polish.

The Treaty of Münster (30th January 1648) drawn up by Philip IV., of Spain, and the United Provinces, decided in Article IV. that the traffic between the different countries in Europe should be reestablished on the principle of „good agreement and good friendship”; in Article VIII. it prohibited the levying of heavier taxes for foreign ships than for National ships and Article XII. abolished the duty-rights of the kings within the boundary lines of the United Provinces on the Rhine, the Meuse and the Scheldt.

With regard to ships and cargoes passing the Flemish ports, Article XV. decided that they must “be taxed and remain taxed” just as the ships and cargoes sailing along the Scheldt, Sas, Swyn and the other straits, forming the Delta of the Scheldt. (The intention was to try to kill the competition of Antwerp).

It is interesting to read what a later diplomat, Comte Belgioioso, in his letter of 31st March 1785 to Comte de Mercy, thinks about these articles: “. . . . Du reste ayant médité de nouveau toutes les articles du Traité du 30 Janvier 1648, je trouve qu’il est bien des articles inutiles soit parce que leur objet est rempli ou parce que il est venu à cesser ou parce que les circonstances étant changées il ne leur reste plus d’application, mais à l’exception des observations sur l’article XIV. du dit Traité . . . .” (An attempt was made at that time to alter the above-mentioned articles of the Treaty of Münster.)

Article IX. of the Treaty of Osnabrück of the 24th of



October 1648, the contracting parties to which were the Swedish King Christina, the French King Louis IV., and the German Emperor Ferdinand III., secures to the signatories commercial and economic freedom; it is worded as follows:

"Et quia publice interest, ut facto pace commercia vicissim reflorescant, ideo conventum est, ut qua eorum praejudicio et contra utilitatem publicam sine inde per Imperium belli occasione noviter propria autoritate contra jura, privilegia, et sine consensu Imperatoris atque Electorum Imperii invecta sunt vectigalia et telonia, ut et abusus Bulla Brabantina indeque nata repressalia et arresta cum inductis peregrinis certificationibus, exactionibus, detentionibus, itemque immoderata postarum, omniaque alia inusitata onera et impedimenta, quibus commerciorum et navigationis usus deterior redditus est, peritus tollantur, et Provinciis, Portabus, fluminibus quibuscunque sua pristina securitas, Jurisdictio et usus prout ante hos motus bellicos a pluribus retro annis fuit, restituantur et inviolabiliter conserventur."

"Territorium qua flumina alluunt et aliorum quorumcunque Juri- bus ac privilegiis, ut et telonis ab Imperatore de consensu Electorum cum aliis tum etiam Comiti Oldenburgensi in Visurgi concessis, aut usu diuturno introductis in pleno suo vigore, manentibus et executioni mandandus, tum ut plena sit commerciorum libertas transitus ubique locorum terra marique tutus, adeoque ea omnibus et singulis utriusque partis foederatorum Vasallis, subditis, clientibus et incolis, eundi, negotiando, redeundique potestas data sit, virtuteque praesentium concessa intelligatur, qua unicasque ante Germania motus passim compete- bat, quos etiam Magistratus utriusque contra iniustas oppressiones et violentias instar propriorum subditorum defendere ac protegere tene- antur hac conventionem ut et iure legeque cuiusque loci per omnia sa- luis."

Nevertheless the Treaties of Münster and Osnabrück did not alleviate the disastrous state of navigation on the Rhine, the Meuse and the Scheldt. The long-looked-for benefits of these Treaties were practically nil. Nys also finds this same notorious Article IX. worthy of mention: "le traité de Osnabrück émit un voeu général."

The Treaty of Westphalia was both an economic and a political failure. Although Article VIII. forbade any union whatsoever against the German Emperor, French influence was nevertheless able, on the 15th of August 1658, ten years later, to bring about an alliance against Austria and Brandenburg.

(Article VIII. "Cum primus vero ius faciendi inter se cum exteris foedera pro sua cuiusque conservatione ac securitate singulis statibus perpetuo liberum esto; ita tamen ne eiusmodi foedera sint contra Imperatorem et Imperium pacemque eius publicam vel hanc inprimis Transactionem fiantque salvo per omnia iuramento, quo quisque Imperatori et Imperio obstrictus est").

In spite of the failure of the Treaty of Westphalia, we need not be surprised to find that practically all the latter peace-treaties made provision for free navigation. Cf. the Treaty of Ryswick, 20th October 1697, Article XVIII:

"Fluminis (Rheni) navigatio, aliusve usus, utriusque partis subditis aut qui alias illae commeare, navigare, aut merces transvehere volent, acque patebit; nec quidquam ab alterutra parte illic aut alibi unquam fiet, quo flumen divertatur, aut eius cursus aut navigatio, aliusve usus difficilior quavis ratione reddatur, multo minus nova telonia, portoria aut pedagia exigantur aut vetera augebuntur, navesque quae transeunt ad unam magis quam ad alteram ripam appellere, aut onera seu merces exponere vel recipere cogantur, sed id libero cujusque arbitrio relinqui semper debet"; and

the Treaty of Utrecht, 11th April 1713, between Great Britain and France, Article VII:

"La navigation et le commerce seront libres entre les Sujets de leurs d. Majestés, de même qu'ils l'ont toujours été en temps de Paix, et avant la Déclaration de la dernière guerre, et particulièrement de la manière dont ont est convenu entre les deux Nations par un Traité de Commerce aujourd'hui conclu."

At the end of the 17th century Austria wrested from



Turkey the control of navigation on the Danube as far as the confluence of the Theiss. Now traffic on the Danube immediately began to flourish, and Turkey was, soon after, glad to accept Austria's terms with regard to navigation on this river.

Article II. of the "Instrumentum pacis" between the Emperor Leopoldinus of Austria and the Sultan Mustafa Han (26th January 1699) at Carlowitz is as follows:

"Provincia subjecta Arci Temesvariensi cum omnibus suis districtibus et interfluentibus fluviis maneat in possessione et potestate Excelsi Imperii Ottomanici. . . . Cum vero onerariae naves a partibus superioribus subjectis Caesareo Dominio tum per Marusium fluvium in Tibiscum, tum per Tibiscum in Danubium, sive ascendendo sive descendendo ultro citroque meantes nullo obice praepediri debeant. Navigatio navium Germanicarum, aut aliorum subditorum Caesareorum nullo modo possit in cursu suo ultro citroque incommadari, sed libere atque commodissime fiat ubique; in praedictis duobus fluviis: Et si quidem reciprocae amicitiae et mutuae benevolentiae convenientia id etiam requirat ut subditi Imperiali Ottomanici potestati subjecti possint usus praedictorum fluviorum esse participes, sine impedimento navibus piscatoris etiam, ac cymbis utantur. . . ."

The territorial expansion and the economic advantages secured by the Treaty of Carlowitz were amplified by the victorious campaign of Prince Eugene, and sanctioned by the Treaty of Posarowitz, 21st July 1718. The first article of this "Instrumentum pacis inter Carolum. . . . et Sultanum Ahmed Han" is worded as follows:

" . . . . ut praedicti fluvii (Aluta) ripa orientalis ad ottomanum Imperium, ripa vero occidentalis ad Romanum pertinet. E Transsylvania elabeus fluvia Aluta usque ad locum, ubi in Danubium exoneratur, inde vero juxta ripas Danubii fluvii versus Orsavam usque ad locum e cujus Regione Timock fluvius in Danubium influit, constituentur confinia, atque ut ante hac circa flucium Marusium observatum fuerat, Aluta

quoad Potationem Pecorum et Piscationes, aliosque huius modi per quam necessarios usus utriusque partis subditis communis sit Germanorum eorundemque Subditorum navibus onerariis e Transsylvania in Danubium ultro citroque commeare liceat; subditis vero Valachis navicularium Piscatoriarum aliarumque cymbarum absque impedimento usus permittitur; naves tamen Molendinariae in locis convenientibus ubi navigationi mercatorum obesse non possunt, communi gubernatorum in confiniis existentium consensu collocentur...." (Conclusion) Nos Robertus Sutton, Eques auratus ex Parte Serenissimi et potentissimi Domini Georgij Magnae Britanniae Regis et Jacobus Comes Colyers ex Parte alte potentium Dominorum foederati Belgij ordinum generalium Legati Mediatores. Haec praemissa coram Nobis et sub directione Mediationis Nostrae ita acta conclusa et firmata esse vigore publici muneris Nostri pariter subscriptione et sigillorum nostrorum appositione attestamur et firmamus. Sutton m.p. Colyers m.p.

The Treaty of Posarowitz is especially interesting for us, because it was the harbinger of the first Treaty which had a definite and distinct bearing on commerce and navigation, the "Tractatus Commercii et Navigationis" of 27th July 1718. <sup>1)</sup> This Treaty contains, in all, 20 articles, the second of which, the only one referring to this subject, is as follows:

"Utriusque imperii subditi et mercatores libere in Danubio mercaturam exerçant, mercatores autem suae cacrae Romano Caesareae Majestatis merces, quas per Danubium in Imperium Turcicum invehunt, Widinij, Rudsik, aliisque in locis navibus extrahere, curribus pretio consueto conductis imponere et terra in quemcunque locum Secure transportare mercaturanique exercere possint; etiam mercatoribus Romano Caesareo Regiis (prout conventum est, ne naves Danubianae in Pontum Euxinum intrent) Ibrailae, Issackiae, Kiliae, aliisque in Emporiis ubi Iscaikae aliaeque in Pontum Euxinum commeantes naves reperuntur, naulo consueto conducere, merces suas imponere, easque Constantinopolini, in Crymeam et Trapezuntem, Sympolini, aliasque in Emporia Maris Euxini (ibi merces distrahuntur) transportare, sine impedimento ultro citroque commeare, mercaturamque exercere liberum esto."

<sup>1)</sup> A similar Commercial and Navigation Treaty was signed between Turkey and Italy on the 21st of July 1718.



The clause "ne naves Danubianae in Pontum Euxinum intrent" is especially worthy of notice. It simply means that the cargo of foreign ships had to be transferred to Turkish ships, before entering the Black Sea. (The same enactment is contained in Art. IX. of the Treaty of Belgrade between Russia and Turkey).

Article XI. of the Treaty of Belgrade, September 18, 1739, between Austria and Turkey, confirms the enactments of 1718<sup>1</sup>).

The Danube was the subject of treaties not only between Austria and Turkey, but also between Russia and Turkey, as is seen from Article XI. of the Treaty of Kaynardge, 10th July 1774, which secures to Russia free navigation on the Black Sea. The official text is as follows:

".... Pareillement la Sublime Porte permet aux sujets Russes de commercer dans ces états par terre ainsi que par eau sur le Danube par leurs vaisseaux, conformément à ce qui a été spécifié plus haut dans cet article, cela aux mêmes privilèges et avantages dont jouissent dans les états les Nations les plus amies qui la Sublime Porte favorise le plus dans le commerce, tels que les François, les Anglais...."

From the last sentence of this article it is evident that the right of navigation at the mouth of the Danube, as also on the Wallachian and the Moldavian banks, was also granted to France and England.

On the 21st of September 1783 there was signed a Treaty between Russia and Turkey, which was drawn up on the principle of the Treaty of Kaynardge. In ac-

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<sup>1</sup>) The "Ferman" of 1763, sent to the Moldavian and Wallachian Princes, forbade their exacting already prohibited transit-duties from Dutch, French and German subjects, who came with their goods to Turkey through Moldavia and Wallachia.

cordance with Art. VIII. of the Treaty of Belgrade Austria was entitled to the same rights as Russia, and the "Séned" of the 24th of February 1784 secured to Joseph II. the free use of the Danube for Austria and Hungary<sup>1</sup>).

Two authentic documents sent by Baron Herbert Rathkeal to the Austrian state chancellor, Kaunitz, confirm the belief that although Turkey did nothing to further trade on the Danube, she did not actually put any obstacles in its way.

One of these documents proposed the establishment of a storehouse at Galatz for the free storage of goods to be forwarded by ship. Among other things this report says: "According to Turkey's Treaties with Austria and Russia, the conveyance of goods by ship is guaranteed, a fact which the Turkish government also recognizes." Further on Baron Rathkeal refers to the above-mentioned "Séned" of 1784 and the Treaty of Commerce and Navigation of Posarowitz.

In the Baron's second report, dated 10th October 1786, he makes mention of the river traffic at the mouth of the Danube, and the fact, that in one month 9 ships came from the Black Sea to the ports near the mouth of the Danube to bring grain from Hungary, shows a considerable increase in Austria's river trade.

Seeing that the decisions of the Treaty of Westpha-

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<sup>1</sup>) The Peace Treaty of Sistow (1791), Article III, corroborates the Séned of 1784, which became the subject of diplomatic negotiations 70 years later, at the time when Moldavia granted a 30 years privilege to the French Captain Magnan to trade on the Pruth and Sereth. The Austrian Representative referred to the Séned of 1784, which also applied to the tributaries of the Danube, viz. the Pruth and the Sereth.



lia about river-navigation had been futile, the Scheldt became the subject of international negotiations, in which the Emperor Joseph II. who was very modern in his ideas, took a very keen and active part<sup>1)</sup>.

The demands of the Emperor Joseph II. were specified in an "Exposé" transmitted by the Government in Brussels to the United Provinces. The following excerpt refers to free navigation on the Scheldt:

"Sa Majesté, qui, conformément aux Traités, pense avoir la Souveraineté pleine, entière et indépendante de toutes les parties de l'Escaut depuis Anvers jusqu'à Saftingen, demande que le vaisseau de garde, placé devant le Fort Lillo et que L. H. P. ont fait retirer provisionnellement, soit pour toujours supprimé; Sa Majesté ne pouvant souffrir, dans toute l'étendue de sa Souveraineté sur l'Escaut, aucun navire, ou quelque autre pouvoir ou inspection étrangère."

The question of the opening of the Scheldt to free navigation could not be settled by the Treaty of Fontainebleau of the 8th of November, in spite of, or rather, thanks to, French diplomacy<sup>2)</sup>. The Scheldt remained closed to foreign traffic, in accordance with the terms of the Treaty of Antwerp. (15th November 1715).

Nevertheless the Treaty of Fontainebleau was not without advantages for Austria. Article III. stipulated that

"Il sera libre désormais aux deux Puissances contractantes de faire tels réglemens qu'Elles aviseront pour le commerce, les douanes et les péages dans leurs États respectifs: „Article VII. that „Leurs hautes

<sup>1)</sup> Joseph II. abolished capital punishment and substituted hard labour in its stead. Criminals were now sentenced to pull ships along the Danube.

<sup>2)</sup> The assistance of the King of France is acknowledged in the preamble to the Treaty: "Louis XVI. Roi de France et de Navarre, ayant bien voulu dans cette occurrence, à la prière des seigneurs États-généraux, interposer ses bons offices..."

Puissances reconnaissent le plein droit de souveraineté absolue et indépendante de Sa Majesté Impériale sur toute la partie de l'Escaut depuis Anvers jusqu'au bout du pays de Saftingen conformément à la ligne de mil six cent soixante quatre. . . . Les États généraux renoncent en conséquence à la perception et levée d'aucun péage et impôt dans cette partie de l'Escaut à quelque titre et sous quelle forme que cela puisse être de même à y gêner en aucune manière, la navigation et le commerce des sujets de Sa Majesté Impériale. Le reste du fleuve depuis la ligne démarquée <sup>1)</sup> jusqu'à la Mer dans la souveraineté continuera d'appartenir aux États généraux, sera close de leur côté ainsi que les canaux du Sas, de Swin et autre branches de mer y aboutissants conformément au Traité du Munster."

The former article was the subject of an exchange of diplomatic correspondence between Comte de Mercy and Lestevenon de Berkenroode, so that there might be no mistake about the meaning of the word „péages” which also refers to the Meuse.

The great idea of breaking down the barriers which hindered navigation, had already spread to America, and the Mississippi became the subject of a Treaty signed on the 3rd of September 1783 by Great Britain and the United States of America. According to Article VIII.:

“The navigation of the river Mississippi, from its source to the Ocean shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States”<sup>2)</sup>.

#### RIVER NAVIGATION FROM THE FRENCH REVOLUTION TO THE CONGRESS OF VIENNA.

The French Revolution not only brought a new sense of freedom to all mankind, but also formed a

<sup>1)</sup> A map of the part of the Scheldt referred to was given as an appendix to the Treaty.

<sup>2)</sup> Detailed reports are to be found in Nys, *Le droit international* pp. 133—138.



land-mark in the history of the navigation of rivers.

On the 16th of November 1792 the "Conseil exécutif provisoire" passed the following resolution: "Le conseil exécutif . . . . a observé: 1. Que les gènes et les entraves que jusqu'à présent la navigation et le commerce ont souffertes, tant sur l'Escaut que sur la Meuse sont directement contraires aux principes fondamentaux du droit naturel que tous les Français ont juré de maintenir. 2. Que le cours des fleuves est la propriété commune, et inaliénable des toutes les contrées arrosées par leurs eaux; qu'une nation ne saurait sans injustice prétendre au droit d'occuper exclusivement le canal d'une rivière et d'empêcher que les peuples voisins, qui bordent les rivages supérieurs ne jouissent du même avantage; qu'un tel droit est un reste des servitudes féodales, ou du moins un monopole odieux qui n'a pu être établi que par la force, ni consenti que par l'impuissance . . . ."

The principle explained above does not guarantee liberty to all the nations in the world, neither does it declare the rivers to be the common property of all the nations, but only of those through whose territory they flow. All the same, the good effects of the declaration of the "Conseil" are patent to all, as are also the high ideals of all Napoleon's legislation.

Christian Eckert in his work, "Rhine-Navigation in the Nineteenth Century" p. 366 says: "The influence of the French Revolution and the extension of the Power of Gaul gave birth to more liberal ideas about traffic on the Rhine, ideas, which hitherto had existed only in theory, but had never been put into practice."

The Dutch Republic made no opposition either to the decision of the Convent of 16th November, or to the opening of the Scheldt, thereby hoping to be able to safeguard its neutrality in the ensuing war, but in vain.

Article XVIII. of the Treaty, signed on the 16th of May 1795 at the Hague, assured the liberty of navigation on the Rhine, the Meuse, the Scheldt, and the Hondt for the Riparian States. (Martens, *Recueil des Traités* Vol. VI. p. 535 R. M. II. p. 100). So also did Article XI. of the Treaty of Campoformio of the 17th of October 1797 provide for the free navigation of the rivers and canals between Austria and the Cisalpine Republic (Austrian Lombardy, Mantua, Modena, Ferrara, and Bologna): "La navigation de la partie des rivières et canaux, servant de limites entre les possessions de S. M. l'Empereur, Roi de Hongrie et de Bohême et celles de la République Cisalpine, sera libre, sans que l'une ni l'autre Puissance puisse y établir aucun péage, ni tenir aucun bâtiment armé en guerre; ce qui n'exclut pas les précautions nécessaires à la sûreté de la forteresse de Porto-Legnago ...."

Article II. of the Secret Agreement to the latter Treaty is worded as follows:

"S. M. l'Empereur, Roi de Hongrie et de Bohême emploiera également ses bons offices lors de la pacification avec l'Empire Germanique <sup>1)</sup>:"

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<sup>1)</sup> The following extract from the report sent by the Austrian Plenipotentiary to his government in Vienna shows what a strange idea Austria had of the meaning of the word mediation: "Rastadt, le 19 Decembre 1797.... Je ne manquerai pas de profiter si l'occasion s'en présente, des notions que contient le rapport de M. le Cte. X. sur



1) Pour que la navigation du Rhin soit libre pour la République Française et les états de l'Empire situés sur la rive droite de ce fleuve depuis Huningue jusqu'à son entrée dans le territoire de la République Batave....

2) Pour que le possesseur de la partie allemande du Rhin opposée à l'embouchure de la Moselle, ne puisse jamais, ni sous aucun prétexte que ce soit, s'opposer à la libre navigation en sortie des bateaux, barques ou autres bâtiments hors de l'embouchure de cette rivière.

3) Pour que la République Française ait la libre navigation de la Meuse et que les péages et autres droits qui pourraient se trouver établis depuis Venloo jusqu'à son entrée dans le territoire Batave soit supprimée."

According to a clause in the Treaty of Campoformio <sup>1)</sup>, the question of the navigation of the Rhine was brought up for discussion at the Congress of Rastadt in 1797, when the left bank of the Rhine had already been taken by the French army. The French representatives clamoured for the freedom, not only of the Rhine and its tributaries, but also of all other German rivers and the Danube. ("Note des Ministres plénipotentiaires de la République Française datée de Rastadt le 14 Floréal"). The decisions come to by the Deputation of Plenipotentiaries on 7th August 1798, were that France should abolish all her staple-rights and boatmen's guilds on

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Treillard et Bonnier (the French Plenipotentiaries) et je serai aux aguets à cet égard; mais je dois avouer à V.E. que j'y vois peu d'apparence. Ils seront probablement entièrement subordonnés au général Bonaparte et hors d'état de rendre de ces services qui pourroient valoir une somme considérable, tandis qu'ils ne se laisseront pas acheter pour peu d'argent...."

<sup>1)</sup> Article XX. of the Treaty of Campoformio: "Il sera tenu à Rastadt un congrès uniquement composé des plénipotentiaires de l'Empire Germanique et de ceux de la République Française, pour la pacification entre ces deux Puissances. Ce congrès sera ouvert un mois après la signature du présent traité ou plutôt s'il est possible."

the left bank of the Rhine, that the Rhine-tolls on both banks be done away with, and that a separate treaty be made to regulate trade and navigation on the Rhine.

It is an open secret that the Congress was broken up before it had finished the task it had set itself to do. Germany was still a power to be reckoned with. The dogs of war had been again let loose, and the French Representatives were murdered as they tried to flee the country.

Although the Treaty of Luneville of 9th February 1801 supported France's aspirations, the latter country, owing to the precarious situation in which it found itself, was not able to carry out its intentions with regard to the Rhine till a year later.

The interrupted Congress of Rastadt was reopened on the 24th of August 1802 at Ratisbonne (Regensburg). The final decision come to by the Congress was entitled "*Arrêté général de la Députation extraordinaire de l'Empire*" and was dated the 25th of February 1803. The enactments of this Preliminary Treaty are especially interesting for us, because they were the first to enounce the principle in regard to the maintenance of the tow-path. The "*Arrêté général*" decided that the "*Kurerzkanzler*" would, in this matter, act in agreement with the French government and the Princes on the right bank of the Rhine.

Article XXXIX. of the same document was to the effect that all tolls on both banks of the Rhine were to be abolished, and that they could not be reintroduced under any name whatsoever. Besides the regular import-



duties, only the "Octroi-duties" were legal. So as not to hinder navigation only one authority was to have the right to collect those duties. The Octroi taxes had not to be higher than the tolls abolished, and their annual proceeds were to be set aside to defray the expenses of administration. The surplus was to be employed for the maintenance of the tow-path.

Article XXV. of the "Arrêté général" assured the Elector of Mainz an annual revenue of 350.000 Florins as damages, which amount was also to be taken from the annual proceeds of the Rhine-Octroi on the right bank. As the proceeds of the Rhine-Octroi gradually decreased, the "Kurerzkanzler" presented an account for 650.000 Florins to the Vienna Congress <sup>1)</sup>. The enactment that the Octroi-duties to be paid by foreign ships should be higher than those paid by the Riparian States was in contradiction to the principles of International Law. Those principles had already been accepted in Article VIII. of the Treaty of Münster. (See p. 17).

Article XXXIX. is as follows:

"Tous les péages du Rhin perçus, soit à la droite, soit à la gauche du fleuve, sont supprimés, sans pouvoir être rétablis, sous quelque dénomination que ce soit, sauf les droits de douane, et un octroi de navigation, lequel est consenti sur les bases suivantes:

Le Rhin étant devenu depuis les frontières de la République batave jusqu'à celles de la République helvétique, un fleuve commun entre la République française et l'Empire germanique, l'octroi de navigation est établi, et sera réglé et perçu en commun entre la France et l'Empire.

L'Empire, avec le consentement de l'Empereur, délègue pleinement

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<sup>1)</sup> It may be mentioned that the „Kurerzkanzler" sold his rights to Napoleon on the 10th of February 1810.

et entièrement tous Ses droits, à cet égard, à l'Electeur Archichancelier, qui est revêtu des pleins-pouvoirs du Corps germanique pour arrêter, avec le Gouvernement français, tous les réglemens généraux et particuliers relatifs à l'octroi de navigation, lesquels réglemens seront portés à l'approbation du Collège electoral et à la connaissance du Corps germanique par l'Electeur Archichancelier.

La taxe sera combinée de manière à ne pas excéder le montant des péages supprimés. Elle sera plus forte sur la navigation des étrangers que sur celle des riverains français ou allemands, et sur les bâtimens qui remonteront le Rhin que sur ceux qui le descendront.

La perception en sera confiée à des mains uniques, et le mode à adopter sera tel que la navigation soit retardée le moins possible.

Le directeur général de l'octroi sera nommé en commun par le Gouvernement français et l'Electeur Archichancelier, qui tiendront respectivement un controleur près de chaque bureau de perception. Les percepteurs de la rive droite seront nommés par l'Electeur Archichancelier, avec l'agrément du Souverain territorial.

Néanmoins, ces bases d'administration et de perception sont subordonnées à l'arrangement qui sera conclu, sur l'organisation de l'octroi de navigation entre le Gouvernement français et l'Electeur Archichancelier.

Il n'y aura pas moins de cinq ni plus de quinze bureaux de perception. Ces bureaux ne seront nullement exempts de la juridiction des Souverains territoriaux, hors des objets de leur service. Il en recevront, au contraire, toute assistance en cas de besoin.

Le produit brut de l'octroi est spécialement affecté des frais de perception, administration et police.

Le surplus sera partagé en deux parties égales, chacune destinée principalement à l'entretien des chemins de hallage et travaux nécessaires à la navigation sur chaque rive respective.

Le reliquat net de la moitié appartenant à la rive droite, est hypothéqué:

- 1) au complément de la dotation de l'Electeur Archichancelier, et autres assignations portées aux §§ IX, XIV, XVII, XIX et XX;
- 2) au paiement des rentes subsidiairement et conditionnellement assignées par les §§ VII et XXVII.

S'il y avait un surplus annuel de revenu, il servirait à l'amortissement graduel des charges dont le droit d'octroi de navigation est grevé.

L'Electeur Archichancelier se concertera annuellement avec le Gouvernement français et les Princes territoriaux riverains de la droite du Rhin, pour l'entretien des chemins de hallage et travaux nécessaires à la navigation dans l'étendue des frontières respectives sur le Rhin."



The agreement purposed in the "Arrêté général", i.e. the "Projet de Convention sur l'octroi de navigation du Rhin. En exécution de l'article 39 du Recès de l'Empire Germanique ratifié par sa Majesté Impériale l'Empereur des Romains le 27 avril 1803, signé le 15 Août 1804, avec une convention supplémentaire du 1 octobre 1804, ratifié par l'Empereur en date du 11 May 1805" consisting of 132 articles, came into force on the 15th of August 1804. Article XXXIX. of the "Arrêté générale" contained only some now universally accepted principles of International Law, while the Project ("Rhine Convention") explains the regulations in detail.

The principal advantage of the "Rhine Convention", from the point of view of International Law, was the setting up of a Central Administration for the Rhine, from the Helvetian frontier to the Dutch. This administration had not the control of the tributaries of the Rhine, which remained under the management of the Riparian States. (To this circumstance Lamprecht, in his work, "Kameral-Verfassung und Verwaltung" calls especial attention).

A uniform administration was guaranteed by the Commission formed in accordance with the decree contained in Article CXXIII. This Commission was also the highest Court of Appeal in matters relating to the collection of the Octroi and to the Navigation Police.

The authorities mentioned in Article CXXII. (the Head-Manager <sup>1)</sup> and the four Inspectors) were not

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<sup>1)</sup> The first Head-Manager was J. J. Eichhoff, formerly head-cook of the "Kurfürst".

only the second Court of Appeal, but also the one authority for the Central Administration (See Articles XLII.—XLV.) and for the drawing up of the supplementary enactments of the Convention. (Article CXXX.).

Articles XXVII.—XL. of the Convention decided that tolls and all other charges were to be abolished, and that Octroi were to be introduced.

The fixing of the amount of the Octroi according to the weight and not to the quality of the cargo (Article XCVII.) is a modern principle instituted by International Law, which has justified itself entirely. Even ships without cargo had to pay a reduced Octroi.

As the Octrois were meant, not only to defray the upkeep of the tow-path, but also to cover other expenses, they differed from the abolished river-tolls only in their limitation, simplification, and in their above-mentioned modern mode of collection, without giving real freedom to navigation.

By Article XLIV. of the Convention, 12 townships were entrusted with the collection of the Octroi along the banks of the Rhine; whereas no fewer than 32 had the right to collect the former river-tolls.

The staple-rights were abolished by Article VIII. of the Convention. The altered form of staple-rights, i.e. the right of transhipment was maintained for Cologne and Mainz. (Articles III.—VI., XIX.).

The principle of the maintenance of the tow-path contained in Article XXXIX. of the "Arrêté général", and the manner of the allotment of the Octroi were precisely set forth in Articles XXXIII.—XXXVI.



(Article XXXV., which provided that the embankments were to be built and maintained by the parties concerned, was especially important).

Noteworthy exceptions to the right of transhipment were made in favour of Frankfurt. (Articles X.—XII.).

It was also intended by the Convention to remedy the freight-troubles. For this purpose arrangements were made in Article XIII. The result of this article was general dissatisfaction amongst the boatmen, who were never satisfied with the freights settled by the authorities. In 1808 the boatmen of Mainz refused to accept the freight prescribed by the authorities, and threatened to go on strike.

D. F. Gaum, writer on political law at the time of the introduction of the Octroi, when referring to the importance of the Convention as regards political law, says on p. 10 of his work, "Rights of the State in regard to the Rhine-Shipments" Mannheim 1809: "These enactments and the organisations set up by them take away part of the trade of the Rhine from the power of the state, and surrender the control and management to an authority which is independent of France and Germany. With regard to the Rhinenavigation rights still held by the ruling Princes, the Convention issued instructions, which had to be observed by the latter, and so the power of the Princes of the Confederate States appears limited by law. (p. 12:) "The dissolution of the German Empire proclaimed by the „Note à la Diète of 1st August (1806) and the Declaration of Francis II. (6th August 1806) did not alter the situation."

Gaum calls our attention to the fact that the "Ar-

rêté général" abolished the river-tolls for the whole navigable course of the Rhine, viz. from Bâle to Strassburg, and that the Octroi was introduced only for that part of the Rhine separating France from Germany.

(Article II. "En conséquence, quoique le Thalweg du Rhin forme, quant à la Souveraineté, la limite entre la France et l'Allemagne; le Rhin sera toujours considéré sous le rapport de la Navigation et du Commerce, comme un fleuve commun entre les deux Empires, ainsi qu'il est dit au même paragraphe du dit Recès (Arrêté général) et la Navigation en sera soumise à des réglemens communs").

Neither the decisions of the Congress of Rastadt, nor the Arrêté général, nor the Convention made any provision for the Dutch <sup>1)</sup> and the Helvetian parts of the Rhine, and therefore they can not be taken as proofs that the whole river was free to all. Neither did they express that the Franco-German Rhine was accessible to all. About this subject Gaum on p. 4 says:

"Two kinds of boatmen have to be considered: 1) the boatmen above Bâle, and 2) those below it. The countries above Bâle were not represented at the Congress of Rastadt, neither were they considered in the Treaty of Luneville, in the Arrêté général nor in the Rhine-Convention; it seems, therefore, that their rights remained unaltered, and that the old agreements and customs were still in force."

"In this way one part of the boatmen of the Upper-Rhine would gain but little. Lib. II. Art. 1, Lib. II.

<sup>1)</sup> By the decree of the 21st of October 1811, the decisions of the Convention were also applied to the Netherlands, after the latter had been joined to France by the "Senatus-Consulte" of 13th December 1810. As this decree was abolished in 1813, it had no time to have any beneficial influence on the trade of those troublous times.



Art. 2, and Lib. III. Art. 7 of the Anchor-Guild of Strassburg allow the states above Bâle to have their own goods, and only their only goods, brought as far as Strassburg, and only in ships manned by crews belonging to the aforesaid guild”.

“But by the „Laudum” of 1424, and the Agreement of 1711, Bâle itself was allowed the free navigation of the Rhine from Strassburg downwards, but the return voyage with cargo was forbidden”.

“Although the Agreement of 1711 does not apply to the other Rhine-States, the trading of the boatmen of Bâle was-I know-never objected to”.

“But the Convention of the Octroi also forbade the downtrade; the boatmen of Bâle, like the boatmen of the other towns along the banks of the Upper-Rhine, were not entitled to bring goods from Strassburg to Cologne, because by Articles XII. and XXI. the shipping-right was limited to boatmen of the ports between Cologne and Mainz, or Frankfurt”.

Gaum’s arguments, the last of which I append, do not coincide with the modern principles of free navigation:

„The rights assumed by the boatmen of the Upper-Rhine, therefore, appear contradictory to every law and treaty. If boatmen try to carry goods on the Rhine as far as Mainz, the Central Administration, as well as every Rhine-State, has the right, not only to stop those boatmen and force them to unload, but also to punish them”.

The effect of Articles XIV. and XVII. of the Convention was that, shipping regulations were issued for the Boatmen’s Guilds in Cologne and Mainz. (“Associa-

tions des bateliers"). These boatmen's guilds also carried on trade on the Lower Rhine. The old-fashioned guilds of Cologne and Mainz were still tolerated, even in spite of the great evolutionary forward movement at the beginning of the 19th century, because their existence was acknowledged by the Convention of Octroi, and so also by International Law.

The overthrow of Napoleon by the allies brought with it the dissolution of the Central Administration of the Rhine in 1813. At the beginning of 1814, as the Rhine again became German, a Sub-Committee, appointed by the allies, took in hand the control of trade on the Rhine, and acted, as far as possible, according to the rules of the Convention.

During the rule of Napoleon also other rivers in Europe were dealt with in the following Treaties:

a) The Treaty of Tilsit (Article VIII.) concluded on the 7th of July 1807 by France and Russia, assured the free navigation of the Vistula. Articles XVII. and XX. of the same Treaty of the 9th of July between France and Prussia assured the free navigation of the Netze, the Bromberg-Canal and the Vistula;

b) The Convention of Elbing (9th July 1807) assured the free navigation of the Warthe, Oder, Spree, Havel and Elbe<sup>1</sup>);

c) The Treaty of Tornea (8th November 1810) between Russia and Sweden, assured the freedom of navigation on the rivers bounding these two countries;

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<sup>1</sup>) On the 19th of February 1810 a Treaty about Commerce and Navigation was signed at Rio de Janeiro.



d) A Treaty signed on the 14th of May 1811 made the Elbe free to Prussia and Westphalia.

With the exception of the Treaty of Bucharest, between Russia and Turkey, signed on the 28th of May 1812, the Danube was never once the subject of international politics, from the French Revolution right down to the first Peace-Treaty of Paris <sup>1)</sup>.

By the Treaty of Bucharest it was agreed that both Russia and Turkey should have free use of the Danube, and that the Russian ships could sail as far down as the mouth of the Pruth <sup>2)</sup>.

#### THE VIENNA CONGRESS AND ITS AFTER EFFECTS <sup>3)</sup>.

The Peace-Treaty of Paris, signed by France, Austria, Great-Britain, Prussia and Russia on the 30th

<sup>1)</sup> In 1808 Russia took possession of the Danube dominions and in this she was supported by France and England. See England's declaration of war of 18th December 1808.

<sup>2)</sup> We know that the Turkish Plenipotentiaries at the Treaty of Bucharest were not imbued with very lofty ideas, it being a historical fact that they were bribed by Russia.

<sup>3)</sup> D. J. Klüber in his work, "Uebersicht der diplomatischen Verhandlungen des Wiener Kongresses überhaupt, und insonderheit über wichtige Angelegenheiten des Deutschen Bundes" Frankfurt am Main 1816, vol. I. p. 49 writes that it was Talleyrand who proposed that a sub-committee should be appointed. It was the same Talleyrand who gave utterance to the now proverbial remark: "The centre of gravity of Europe is neither in Paris, nor in Berlin, but at the mouth of the Danube." This same writer who edited the "Records of the Congress of Vienna" was no friend of free navigation. In another book, entitled, "Öffentliches Recht des deutschen Bundes", § 76, he writes as follows: ".... A state's independence is seen in the scope it gives to water-rights,...." Then he goes on to say that no outsider would have any right to complain, if a state were to prohibit all manner of traffic on the rivers, streams, lakes, canals and ponds within its own boundaries.

of May 1814, paved the way for the Vienna Congress, not only with regard to the restoration of the balance of power in Europe, but also with regard to free navigation on rivers.

Article V. of this Treaty runs as follows :

"La navigation sur le Rhin, du point où il devient navigable jusqu'à la mer, et réciproquement, sera libre, de telle sorte qu'elle ne puisse être interdite à personne; et l'on s'occupera, au futur Congrès, des principes d'après lesquels on pourra régler les droits à lever par les États riverains, de la manière la plus égale et la plus favorable au commerce de toutes les nations."

"Il sera examiné et décidé de même, dans le futur congrès, de quelle manière, pour faciliter les communications entre les peuples et les rendre toujours moins étrangers les uns aux autres, la disposition ci-dessus pourra être également étendue à tous les autres fleuves qui, dans leur cours navigable, séparent ou traversent différents États."

The third Article of a separate and secret series of enactments made the same regulation with regard to the Scheldt:

"La liberté de navigation sur l'Escaut sera établie sur le même principe qui a réglé la navigation du Rhin dans l'article 5 du présent Traité."

The decisions of the above-mentioned articles are more far-reaching in their effect than that of the Convention (p. 24), which only granted rights to the Riparian States, whereas the former assured complete freedom to every man, and every state, whether riparian or not. The Paris Peace Treaty was the embodiment of the free navigation of rivers in its widest and fullest sense.

The Vienna Congress, called into existence by Article XXXII. of the Paris Peace Treaty, did not hold its first sitting two months after the Peace Treaty, as had been arranged, but on the 30th of October of the same year, i.e. five months later.



A sub-committee was appointed to see to the due carrying out of the regulations about river navigation. The first meeting of the sub-committee was held in Vienna on the 2nd of February 1815. The following are the minutes:

"Procès-verbal de la première conférence de la Commission relative à la libre navigation des rivières. Vienne, le 2 février 1815. En présence pour la France, du Duc de Dalberg; pour la Prusse, du baron de Humboldt; pour l'Angleterre, de Lord Clancarty; pour l'Autriche, du baron de Wessenberg. Il a d'abord été fait lecture de l'extrait du procès verbal du 14 décembre 1814, par lequel le Comité des huit Plénipotentiaires au Congrès a nommé la présente Commission pour s'occuper de moyens d'exécuter les dispositions de l'art. 5 patent du traité de Paris, et du second paragraphe de l'art. 3 secret du même traité, relatives à la libre navigation du Rhin et de l'Escaut, et à l'application des principes qui seraient établis à cet égard pour les autres fleuves, qui, dans leur cours navigable, séparent ou traversent différens états, desquels deux articles il a ensuite été fait lecture."

"Après quoi, en jugeant que, pour suivre l'ordre établi dans l'instruction, on aurait lieu de commencer le travail par ce qui est relatif à la navigation du Rhin, de l'Escaut, et des rivières tributaires du Rhin, il a été convenu d'inviter Messieurs les Plénipotentiaires de Hollande, de Bavière, de Bade, de Hesse-Darmstadt, de Nassau, à prendre part aux conférences sur cette partie du travail; en conséquence le secrétaire général de la Commission, M. le conseiller de Martens, a été chargé d'adresser, au nom de la Commission, des lettres d'invitation à M. le baron van der Spaen, à M. le maréchal prince de Wrede, à M. le baron de Berckheim, à M. le baron de Türrckheim, et au premier Plénipotentiaire des princes de Nassau."

"M. le duc de Dalberg ayant ensuite fait lecture d'un projet de rédaction pour les arrangemens relatifs à la navigation du Rhin et des autres rivières qui se trouve joint au présent procès-verbal sous le no. 1, et M. le baron de Humboldt ayant également fait lecture d'un projet d'arrangemens de ce genre qu'il a également promis de joindre au protocole de la présente ou de la prochaine séance, il a été arrêté que tous les membres de la Commission seraient invités à faire prendre copie de ces pièces chez le secrétaire général; et qu'afin de laisser aux membres le tems nécessaire pour préparer la discussion, la prochaine conférence de la Commission serait fixée à mercredi 8 de ce mois, à 11 heures. Sur quoi la séance a été levée. Signé en marge: Clancarty, Dalberg, Humboldt, Wessenberg."

The plan proposed by M. Dalberg at the first sitting was accepted on the 8th of February, and it served as a basis for further negotiations. It is very interesting that article XVII. of this project also refers to the Danube. Nevertheless, the Committee made no special provision for this river. M. Dalberg's project was modelled after the Rhine Convention, of the 15th of August 1804, but underwent so many alterations that it finally appeared a totally different project.

The proposal of Baron Humboldt about how the discussions were to be carried on, and how the decisions were to be formulated, was given as an appendix to the protocol of the 2nd sitting. He evolved the following *modus operandi*: 1) There must be some sort of uniformity in the management of all rivers, 2) Special bye-laws must be made for the Rhine and the Scheldt. His project is entitled: "*Mémoire préparatoire sur le travail de la Commission de navigation*". At this second sitting the committee decided to discuss the rights of transshipment, granted to Mainz and Cologne, and, for this purpose, to invite the representatives of Mainz and Frankfurt and the former head-manager of the Rhine-Octroi, Herr Eichhoff, to appear at the Conference.

At the same sitting Great Britain's representative, Lord Clancarty, proposed to substitute the following text for the 1st and 2nd articles of Dalberg's project:

"Le Rhin, du point où il devient navigable jusqu'à la mer et réciproquement, sera entièrement libre au commerce et à la navigation de toutes les nations, de manière que dans tout son cours, soit en remontant, soit en descendant, il ne puisse sous ces deux rapports être interdit à personne, en se conformant toutefois aux réglemens qui seront établis pour la police, d'après le mode convenu; lesquels réglemens se-



ront égaux pour tous et le plus favorables au commerce de toutes les nations."

This alteration was more in accordance with the liberal spirit of Article V. of the Peace Treaty of Paris.

Regarding the principles of a central authority on the Rhine, an agreement was come to, that "this authority should not have the right to collect the Octroi, and should have nothing to do with the maintenance of the tow-path, these two tasks being under the sphere of influence of the states concerned." M. Dalberg and M. Humboldt were charged with the working out of a plan to settle disputes arising between the boatmen and the tax-collectors, and to punish those Riparian States found guilty of breaking the Law. The Plenipotentiary representing Holland considered the project of Dalberg and Humboldt as a fitting basis for the discussions, but thought it should be so altered as to be more in accordance with the Convention of the Rhine.

The committee did not meet again till the 20th of February when it devoted its whole time to the transshipment question. The public was also taking great interest in this question, and pamphlets were spread broadcast by the supporters and opponents of this institution, showing the arguments for and against the right of transshipment. The Plenipotentiaries of Darmstadt and Baden made amendments to the project of M. Dalberg, which they desired to be entered in the minutes. The Town-Council of Strassburg asked M. Dalberg to enter a complaint on their behalf against the temporary administration of the Rhine, but the letter containing the complaint bore no signature. (The

answer of the Administrators of the Rhine to the complaint made by the town of Strassburg was entered in the minutes of the 6th sitting, under the heading, „Justification des changements que l'administration provisoire de l'Octroi a opérés dans la partie de la navigation et du tarif. „They denied all the allegations made by “Strassburg”).

At the 4th sitting, on the 23rd of February, the transshipment right, a relic of the Middle-Ages, was unanimously abolished. The committee only came to a decision after having carefully gone through the treatise of Herr Eichhoff.

On the following day the committee drafted the plans for the administration of Rhine navigation, which was to be in the hands of a Central Committee. With regard to this subject the Plenipotentiaries of Nassau, Hesse—Darmstadt, Baden, France and Prussia laid written proposals before the committee; it was also decided to appoint sub-committees to formulate the rules for the regulation of traffic on the Main and the Neckar.

At the 6th sitting, on the 28th of February, M. Humboldt, the most active member of the committee, proposed an amendment to the Dalbergian project, which was accepted in a slightly altered form. Herr Eichhoff, the former head-manager of the Rhine-Octroi, put his treatise at the disposal of the committee. This is the same Eichhoff, we mentioned on p. 32. He was the Committee's expert on each and every question. His Reports to the Committee show that he was not only a man of great knowledge, but also an unbiassed and fair expert.



Many and varied were the subjects discussed at the 7th sitting, on the 3rd of March, among them being the question of the Central Committee. The following paragraph referring to His Britannic Majesty's Plenipotentiary, gave rise to a debate about the navigation on the Danube, at the Conference in Paris, 42 years later:

".... quant à l'art. 1er Lord Clancarty a proposé l'amendement, qu'à la rédaction de M. de Humboldt on substiât celle antérieurement proposée et insérée au procès-verbal de la 2de conférence, alléguant que, comme à la disposition: que la libre navigation ne pourra être interdite à personne, la rédaction de M. le baron de Humboldt ajoute la restriction sous le rapport du commerce, ceci ne paraissait pas répondre à l'intention de la paix de Paris, qui veut que la navigation ne soit interdite à personne."

"Cependant les autres membres de la commission ont été d'avis qu'il n'y avait pas lieu à faire cet amendement, vu que la rédaction de M. le baron de Humboldt ne semblait pas s'éloigner des dispositions du traité de Paris, qui ne visaient qu'à débarrasser la navigation des entraves qu'un conflit entre les états riverains pouvait faire naître, et non de donner à tout sujet d'état non-riverain un droit de navigation égal à celui des sujets des états riverains, et pour lequel il n'y aurait aucune réciprocité."

Humboldt's criticism of Eichhoff's report is also found in these minutes; so also is the protocol of the decisions of the sub-committee appointed to draft the regulation for the Neckar. This protocol is not signed, and that may be the reason why Klüber, always so exact, makes no mention of it.

The minutes of the 8th sitting (March 14th), also make mention of the Central Committee of the Rhine, and show that the smaller states in particular strained every nerve to prevent the introduction of a permanent central organisation.

The discussion about the Rhine was finished at the 9th committee meeting, on March 16th, when Humboldt submitted a project about the Mosel. He was persuaded to work out a similar project which would apply to the five rivers, the Main, the Neckar, the Mosel, the Meuse, and the Scheldt.

The 10th sitting (March 20th) was partly devoted to a discussion about the distribution of the Octroiproceeds among the different states, for which purpose a Court of Arbitration was to be appointed. Baron Humboldt submitted to the meeting the project as desired, and it was accepted with a few unimportant alterations.

The 11th sitting (March 22nd) passed the project of Lord Clancarty regarding the port of Antwerp, which Article XV. of the Peace Treaty of Paris declared to be a commercial port.

The Plenipotentiaries from Hannover were invited to the 12th sitting, on the 23rd of March, to see whether an agreement could not be come to about the navigation of the Weser and the Elbe. But these representatives were not inclined to accept articles I. and II. of the general project. (Klüber does not mention this sitting).

The 13th sitting (March 24th) drew up 1) a Code of Laws, which were to be applied to all the European rivers except the Rhine and its tributaries. 2) 32 articles about the Rhine, and 3) 7 articles about the Main, the Neckar, the Mosel, and the Scheldt.

At the last meeting of the sub-committee on the 28th of March Humboldt, Dalberg, Clancarty, and



Wessenberg decided to place the above-mentioned three groups of articles before the Congress for its approval. There was practically no business done at this 14th meeting, and it seems that some of the delegates may have been afraid that the result of their labour might be impaired by the deleterious proximity of the number 13. Here again is Klüber silent.

The Code of Laws drawn up by the committees was afterwards incorporated in the "Actes du Congrès" under the numbers CVIII.—CXVI., while those articles referring to the Rhine, the Main, the Neckar, the Mosel, the Meuse, and the Scheldt were added as an appendix to the same act.

Articles CVIII.—CXVI. run as follows:

CVIII. The Powers whose States are separated or crossed by the same navigable River engage to regulate, by common consent, all that regards its navigation. For this purpose they will name Commissioners, who shall assemble, at latest within 6 months after the termination of the Congress, and who shall adopt as the bases of their proceedings the Principles established by the following Articles.

CIX. The navigation of the Rivers, along their whole course, referred to in the preceding Article, from the point where each of them becomes navigable, to its mouth, shall be entirely free and shall not, in respect to Commerce, be prohibited to any one: it being understood that the Regulations established with regard to the police of this navigation shall be respected, as they will be framed alike for all, and as favourable as possible to the commerce of all nations.

CX. The system that shall be established both for the collection of the Duties and for the maintenance of the Police shall be, as nearly as possible, the same along the whole course of the River, and shall also extend, unless particular circumstances prevent it, to those of its Branches and Functions which, in their navigable course, separate or traverse different States.

CXI. The Duties on navigation shall be regulated in an uniform and settled manner, and with as little reference as possible to the different quality of the merchandise, in order that a minute examination of

the cargo may be rendered unnecessary, except with a view to prevent fraud and evasion.

The amount of the Duties, which shall in no case exceed those now paid, shall be determined by local circumstances, which scarcely allow of a general rule in this respect. The Tarif shall, however, be prepared in such a manner as to encourage commerce by facilitating navigation, for which purpose the Duties established upon the Rhine, and now in force on that River, may serve as an approximating rule for its construction.

The Tarif once settled, no increase shall take place therein, except by the common consent of the States bordering on the Rivers, nor shall navigation be burdened with any other Duties than those fixed in the Regulation.

CXII. The Offices for the Collection of Duties, the number of which shall be reduced as much as possible, shall be determined upon in the above Regulation, and no change shall afterwards be made, but by common consent, unless any of the States bordering on the Rivers should wish to diminish the number of those which exclusively belong to the same.

CXIII. Each State bordering on the Rivers is to be at the expense of keeping in good repair the Towing Paths which pass through its territory, and of maintaining the necessary works through the same extent in the channels of the river, in order that no obstacle may be experienced to navigation. The intended Regulation shall determine the manner in which the States bordering on the Rivers are to participate in these latter works, where the opposite banks belong to different Governments.

CXIV. There shall nowhere be established Storehouse, Port, or Forced Harbour Duties. Those already existing shall be preserved for such time only, as the States bordering on Rivers (without regard to the local interest of the place or the country where they are established) shall find them necessary or useful to navigation and commerce in general.

CXV. The Custom-Houses belonging to the States bordering on Rivers shall not interfere in the duties on navigation. Regulations shall be established to prevent officers of the Customs, in the exercise of their functions, throwing obstacles in the way of navigation; but care shall be taken by means of a strict Police on the bank, to preclude every attempt of the inhabitants to smuggle goods, through the medium of boatmen.

CXVI. Everything expressed in the preceeding Articles shall be settled by a general arrangement, in which there shall also be comprised whatever may need an ulterior determination. The arrangement



once settled shall not be changed, but by and with the consent of all the States bordering on Rivers, and they shall take care to provide for its execution with due regard to circumstances and locality <sup>1)</sup>.

The signatories to the "Actes" were: Great Britain, France, Austria, Portugal, Prussia, Russia and Sweden; Spain's signature was added on the 17th of June, two years later.

Those articles referred to, together with Article XCVI. about the Po, were merely statements of the general principles of the real modern idea of free navigation, but there was no provision made for enforcing their observance by the Riparian States, who had not even yet chosen the commissioners mentioned in Article CVIII.

On the 7th of April 1815 Baron Humboldt addressed a Note to Prince Metternich, begging him to have the Court of Arbitration, already spoken of for the allotment of the Octroi proceeds, set up. The Court of Arbitration, which sat in Vienna, gave its award on the 26th of March 1816. (See "*Corpus Juris Confoederationis Germanicae*, Meyer-Zoepfl Frankfurt 1858, pp. 320—328.) In the same Note the writer draws attention to

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<sup>1)</sup> The principal writers on International Law seem to take most of their information about the Vienna Congress from D. J. Klüber's "*Acten des Wiener Congresses in den Jahren 1814 und 1815.*" We must bear in mind that this version is not always a true copy of the protocols and minutes of the meetings of the Committee on Free Navigation. Klüber's text is often different from the original text, and is not always correct. Even the original protocols show corrections, especially that of the 6th sitting. But it is doubtless that the corrections are not new, but that they were made at a time not later than the signing of the protocol. In most cases the modifications of the projects are appended to the original projects, and Klüber publishes only the corrected text.

the decisions pertaining to the navigation of the Rhine, which could be at once enforced. But, strange to say, they were not. Not only that, but the Rights of Transshipment and the Boatmen-Guilds, both of which had been expressly abolished, remained in force as before.

Prussia and the Netherlands were mainly to blame for the postponement of the putting in force of those enactments. The Dutch adduced the argument that the expression "*jusqu'à la mer*" did not mean "into the sea", but only as far as the sea, and averred that they had a perfect legal right to collect their duties as before. To strengthen and uphold its point of view the Austrian Court went the length of consulting the Dictionary of the French Academy about the meaning of the word "mouth". The Note of Count de Mier, the Austrian Ambassador, written on the 14th of February 1826, to the Dutch Government runs:

".... Si, en effet, l'on consulte le Dictionnaire de l'académie française, nous y voyons que le mot embouchure veut dire l'entrée d'une rivière dans la mer ou dans une autre rivière...."

The following decision come to at the general meeting of all the German Federal States, held on third August 1820, could do nothing to settle the dispute between Prussia and the Netherlands:

"In order to bring about free navigation as prescribed by the Vienna Congress, all the members of the German Confederation declared that they would enforce those enactments and settle the dispute once for all. The enactments about which there was no dispute were to come into force immediately."

At the Congress of Verona, held in 1822, the Powers represented, at the instigation of Britain, resolved



that the decrees of the Vienna Congress should at once come into force:

"The Plenipotentiary of His Britannic Majesty had received the directions of his Government to draw the attention of the Ministers of the Allied Governments assembled at Verona to the state of the Navigation of the Rhine."

"According to the „16th Acte of the Treaty of Vienna" the navigation of that River ought to be entirely free, from the Point at which it becomes navigable, to its Mouth, and the principle of the freedom of Commerce on the Rhine is adopted not only by that „Acte", but in the annexe; of which the first, and every article has obviously the same object in view."

"Notwithstanding this Treaty, to which every power in Europe is a Party, the Government of the Netherlands have thought proper to close the mouth of the River against the commerce of the World; and herewith is a list of articles of which the transit by the Rhine through the Netherlands is entirely prohibited by Law, contrary to the spirit and the letter of the Treaty."

"As this is a subject of general interest, His Majesty's Plenipotentiary has been directed to move the Ministers of the five Courts at the Court of Brussels, to induce His Majesty the King of the Netherlands to adopt measures in relation to the navigation of the Rhine, in concert with other powers, bordering on that River, which may have the Effect of carrying into execution the Treaty of Vienna on this subject."

"*Procès Verbal* de la Conférence du 27 Novembre 1822 relativement à la Navigation du Rhin. . . . Messieurs les Plénipotentiaires d'Autriche, de Prusse, et de Russie reconnaissent que les cinq Puissances sont effectivement appelées à concourir à l'exécution des dispositions de l'acte du Congrès de Vienne relativement à la libre navigation du Rhin, et que les difficultés qui restent à surmonter à cet égard viennent pour la plus grande partie de la part du Gouvernement des Pays-Bas, sont convenus avec Monsieur le Duc de Wellington de ce que les Missions de leurs cours à Bruxelles seront instruites sans délai de se concerter entre elles et avec le Ministre de Sa Majesté Très-Chrétienne à l'effet d'adresser au Ministère des Pays-Bas des représentations convenables pour amener, aussi promptement que faire se pourra, un accord satisfaisant sur ce qui fait l'objet des plaintes des parties intéressées."

"Messieurs les Plénipotentiaires de France, persuadés d'avance que leur gouvernement n'aura aucune objection à prendre part à cette démarche, se réservent de Lui en faire leur rapport."

In his Note to the Netherlands on the 14th of February 1826 Prince Metternich said:

".... la liberté de la navigation du Rhin jusque dans la mer est une condition expresse de l'existence du royaume des Pays-Bas et que le droit international Européen veut que S. M. le Roi subordonne sa souveraineté aux conditions établies par les traités."

The "Journal des Débats" of the 22nd of May 1826 shows us what idea the people in general held about this subject:

"On ne peut nier que la Hollande n'ait à tous égards un intérêt tout à fait opposé à celui de l'Allemagne. En possession des embouchures du Rhin, elle dispose à son gré du commerce de ce pays, et en recueille les plus grands avantages au grand préjudice des autres États riverains, qui étant exclus de la navigation sur mer, ne peuvent commercer avec les pays maritimes que par l'intermédiaire des Pays-Bas. C'est sur ce commerce de transport qu'est fondée en grande partie l'existence des provinces hollandaises."

"L'Autriche et la Prusse ont communiqué à la Diète (Frankfurt) plusieurs notes adressées au roi de Hollande, dans lesquelles on rappelle à ce prince qu'il ne doit son trône qu'à la générosité des monarques alliés qui ont proclamé dans la même traité la liberté de la navigation des fleuves et la souveraineté de la Maison d'Orange. Malgré le ton âpre et véhément qui règne dans ces notes, ainsi que dans les réponses faites par la Hollande, il n'y a pas la moindre probabilité qu'on recoure à des moyens violens pour faire exécuter les traités; néanmoins, comme c'est la Prusse qui souffre les plus des entraves mises à la navigation du Rhin, on s'attend à ce que cette puissance usera de représailles envers les Pays-Bas, et fera incessamment percevoir à sa frontière les mêmes droits de transit que l'on perçoit actuellement en Hollande, ce qui équivaldrait à une défense absolue de faire le commerce avec ce pays, et porterait à ce dernier le plus grand préjudice. Le commerce de transport qui se fait dans ce moment du Havre — de Grâce en Allemagne ainsi qu'en Suisse, et qui ne laisse pas d'être considérable, acquerra par suite de cette prohibition une nouvelle étendue. Cependant les personnes versées dans les affaires du commerce prétendent que la France gagnera encore plus par la libre navigation du Rhin et désapprouvent la conduite et les vues rétrécies du ministère actuel de la France, qui a donné l'ordre au commissaire français auprès de la commission centrale pour la navigation du Rhin, siégeant à Mayence, d'ap-



puyer les refus de la Hollande et de paralyser les opérations de la dite commission qui effectivement délibère depuis 11 ans sans avoir rien conclu ”

Navigation on the Elbe was made free by the Treaties of 1821, 1844, 1858 and 1870, on the Weser in the year 1823, and on the Oder in 1825, but not till a much later date on the Rhine. On the occasion of the discussions about the Elbe in 1844 in Dresde the following declaration of the town of Hamburg, completely in accordance with the principles of International Law, may be here adduced :

“The right to use a river does not depend on the good-will of the Riparian States. Rivers are common property. The rules regulating the navigation of rivers are founded on the principle of freedom, which principle is much older than the sovereign right of the Riparian States.”

The regulations laid down by the Congress of Vienna to be applied to the Rhine, only came into force sixteen years later, on the signing of the “Act of the Rhine Navigation”, after the Dutch had been forced to yield <sup>1)</sup>. The same Act put an end to the Transshipment Rights of Cologne and Mainz, and also abolished the Boatmen-Guilds. It was not till the Act of 1868 was passed that the German and the Dutch Rhine became wholly free. Baden and Switzerland signed a Treaty on the 16th of May 1879, granting freedom on the Rhine between Neuhausen and Bâle, thus making the whole river free to all.

In accordance with the principles of the Vienna Congress treaties were made, providing for free navigation

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<sup>2)</sup> The Preamble to this Act stated that there was still a divergence of opinion between the Netherlands and Germany

on the following rivers: the Ems in 1843, the Scheldt in 1839, 1842, and 1863, the Po in 1849, the Pruth in 1866 1871, and 1895, the Amazon in 1851, the Parana and the Uruguay in 1853, the St. Lawrence in 1854, the Congo and the Niger in 1885 <sup>1</sup>).

## THE DANUBE 1815 TO 1856.

The Congress of Vienna, by dropping Dalberg's proposal, did not see its way to do anything for the Danube, for the simple reason that the lower part of that river belonged to Turkey, which was not represented at the Congress <sup>2</sup>). As Turkey was not admitted to membership of the European Concert till after the signing of the Treaty of Paris, in 1856, it was practically impossible to introduce any general rules for the navigation of the Danube, because international rules are only binding on those states subscribing their names to them.

The Treaty of Bucharest in 1812 marked the beginning of the expansion of Russia's power along the banks of the Danube, which was still more extended by the Treaties of Akermann (1826) and Adrianople (1829). By the latter the Sulina mouth was ceded to Russia,

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<sup>1</sup>) The Treaty of 18th May 1814, signed by Prussia, Austria, Russia and Saxonia guaranteed free navigation between Prussia and Saxonia; the Treaty between Austria and Russia, respecting Poland, signed at Vienna, May 3rd, 1815 granted free navigation to those two countries on the rivers of Poland.

<sup>2</sup>) Nevertheless, in the month of March 1815, Turkey passed a "Ferman", granting Austria the right of free navigation on the Danube.

A Treaty on the 14th of April 1816 between Austria and Bavaria (altered by a Treaty on the 2nd of December 1851) also refers to the Danube.



in spite of Britain's protest of 31st October 1829. (Lord Aberdeen declared that it put the whole of the Danube trade under the control of Russia <sup>1</sup>).

Article III. of the Treaty of Adrianople is as follows:

"Le Pruth continuera à former la limite des deux empires, du point où cette rivière touche le territoire de la Moldavie, jusqu'à son confluent avec le Danube. De cet endroit, la ligne des frontières suivra, le cours du Danube jusqu'à l'embouchure de Saint-Georges, de sorte qu'en laissant toutes les îles formées par les différents bras de ce fleuve en possession de la Russie, la rive droite en restera, comme par le passé à la Porte Ottomane. Il est convenu, néanmoins, que cette rive droite, à partir du point où le bras de Saint-Georges se sépare de celui de Soulina, demeurera inhabitée à la distance de deux heures de ce fleuve, et qu'il n'y sera formé d'établissement d'aucune espèce, et que de même, sur les îles qui resteront en possession de la cour de Russie, à l'exception des quarantaines qui y seront établies, il ne sera permis de faire aucun autre établissement ni fortification. Les bâtiments marchands des deux puissances auront la faculté de naviguer sur le Danube, dans tout son cours, et ceux portant le pavillon ottoman pourront entrer librement dans les embouchures de Vili et de Soulina; celle de Saint-Georges demeurera commune aux pavillons de guerre et marchands des deux puissances contractantes. Mais les vaisseaux de guerre russes ne pourront, en remontant le Danube, dépasser le point de sa jonction avec le Pruth."

So it became necessary for the other powers to come to some agreement with Russia and Turkey, if they wanted to trade on the Danube, and neither Russia nor Turkey was averse to making treaties.

On the 8th of July 1833 the Secret Treaty of Unkiar-Iskelessi was signed between Russia and Turkey, by which the former became the protector of the latter, the natural consequence of her intervention on Turkey's

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<sup>1</sup>) Count Nesselrode in his letter of 12th February 1830 to the Grand-Duke Constantin wrote that this peace was more useful politically and commercially to Russia than the destruction of the whole Turkish Empire could have been.

behalf against the Pasha of Egypt <sup>1</sup>). The following article of this treaty, although referring to navigation, had no influence whatever on the Danube trade:

“En vertu d’une des clauses de l’article I du traité présent d’alliance défensive conclu entre la Sublime-Porte et la Cour impériale de Russie, les deux hautes parties contractantes sont tenues de se prêter mutuellement des secours matériels et l’assistance la plus efficace pour la sûreté de leurs États respectifs. Néanmoins, comme S. M. l’Empereur de toutes les Russies, voulant épargner à la Sublime-Porte la charge et les embarras qui résulteraient pour elle de la présentation d’un secours matériel, ne demandera pas ce secours, si les circonstances mettaient la Sublime-Porte dans l’obligation de le fournir; la Sublime-Porte ottomane à la place du secours qu’elle doit prêter au besoin, d’après le principe de réciprocité du traité présent, devra borner son action en faveur de la Cour impériale de Russie à fermer le détroit des Dardanelles, c’est-à-dire à ne permettre sous aucun prétexte quelconque l’entrée dans la Mer-Noire”.

Turkey became jealous of Austrian steam-navigation in the Black-Sea, and tried to stop it. The trade reports of the Austrian Danube Steam Navigation Company, as well as the essays of Count Széchenyi (p. 133) show that the Russian government had been mediating in the interests of Austria. There was, at that time, community of interest between Russia and Austria in connection with the Steam Navigation Company at Odessa.

In 1835 Austria made a Treaty with Greece, which received the following criticism from the “Morning Chronicle” of 22nd October 1835:

“The communications between Greece and Austria having been thus established on the western coast, and found highly beneficial to both countries, the object of the treaty is to fix their commercial inter-

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<sup>1</sup>) This Treaty was superseded by a Treaty signed on the 13th of July 1841, by Austria, France, Gr. Britain, Prussia, Sardinia and Turkey.



course upon a regular footing, and especially to extend it on the eastern side, by providing for its encouragement through the Danube, the Euxine, the Bosphorus and the Dardanelles, to the Piræus. The 17th article, which refers to this point, is more remarkable than it may at first appear to a superficial reader:

"As regards the importation and exportation of the produce of both states by the Danube, whether along the course of that river or at its mouth, the two high contracting Powers declare it to be their formal intention to encourage that trade, and will hereafter stipulate in a special treaty the advantages they may think proper to secure it."

"We have already had occasion to state that, under the third article of the Treaty of Adrianople, Russia became mistress of the whole of the Delta of the Danube. If we be rightly informed, the treaties between Austria and Turkey secured to the former the free navigation of the Danube to the Euxine. But no stipulation having been made in the Treaty of Adrianople in favour of the rights of Austria, Russia has, lately, by the erection of pontons at the navigable embouchures of that river, evinced a disposition to deny those rights, and to claim the prerogative of shutting up those embouchures altogether, should she think fit. Two reasons are said to operate upon Russia with reference to this subject; in the first place, the trade of Odessa has become jealous of the appearance of Austrian steamers in the Euxine; and secondly, it seems to be the design of the Autocrat to rule absolutely over the Black Sea and the Bosphorus."

"We have in this treaty a clear indication of one of the causes which have lately produced a divergence in the political systems of the two empires. But, further, if Austria trade through the Danube with Greece, and Greece have commercial intercourse through the same channel with Austria, other States of Europe—Spain, Portugal, France and England, for example may possibly desire to communicate through the same river with Austria. Thus the free navigation of the Danube becomes an European question, and Austria, instead of isolating herself from the interest of western Europe, as she has hitherto done for too many years, will feel it to be her best interest to cultivate the goodwill of these States. We can, in fact, but dimly see at present the consequences, both political and commercial, to which the steam navigation of the Danube is calculated to give rise."

The following paragraph on the same subject appeared in the "Globe" of the 21st of the same month:

"Austria's rights of navigation on the Danube have been brought within the sphere of diplomatic stipulations."

On Christmas Day 1835 the Austrian Ambassador in London, Herr v. Hummelauer, wrote to Prince Metternich, telling him that Sir Frederick Lamb, the British Foreign Secretary, had told him that he was convinced that the European Powers were themselves to blame for Russia's advance.

The Treaty of 1829 between Great Britain and Austria-Hungary was just about to expire, and, as the former country had great commercial interests at the mouths of the Danube, it found it advisable to discuss the possibility of making a new treaty, which it did in 1838:

"Victoria, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith etc. etc. etc. To All and Singular to whom these Presents shall come, Greeting! Whereas a Treaty of Commerce and Navigation between Us and Our Good Brother The Emperor of Austria, King of Hungary and Bohemia, was concluded and signed at Vienna, on the Third day of July, ultimo, by the Plenipotentiaries of Us and of Our said Good Brother, duly and respectively, authorized for that purpose; which Treaty is, word for word, as follows:

In the Name of the Most Holy and Undivided Trinity:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland etc. and his Majesty, the Emperor of Austria, King of Hungary and Bohemia etc. animated by the desire of extending, augmenting, and consolidating the commercial relations of Their respective States and Possessions, and of affording thereby every facility, and encouragement to those of Their Subjects who participate in those relations, and persuaded that nothing can more contribute to accomplish this object of their mutual wishes, than maintaining the reciprocal abolition of all the discriminating duties of Navigation and Commerce, which, before the signature of the Convention concluded at London the 21st December 1829, were levied upon the Vessels of the one State in the Ports of the other, have appointed Their Plenipotentiaries to conclude a Treaty for that purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Frederick James Lamb, Knight Grand Cross of the most Honourable Order of the Bath, One of Her



Britannick Majesty's most Honourable Privy Council, and Her Britannick Majesty's Ambassador Extraordinary and Plenipotentiary to His Imperial and Royal Apostolic Majesty:

and His Majesty The Emperor of Austria, King of Hungary and Bohemia, His Highness Clement Wenceslaus Lotharius, Prince of Metternich—Winneburg, Duke of Portella, Count of Königswart etc. a Grantee of Spain of the First Class, Knight of the Golden Fleece, Grand Cross of the Order of St. Stephen of Hungary, and of the Decoration for Civil Merit etc. Chamberlain, actual Privy Councillor to His Imperial and Royal Apostolic Majesty Minister of State and of Conferences, and Chancellor of Court and State, and of the Imperial House etc.

Who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

Article I. From the date of the Ratification of this present Treaty, British Vessels arriving in, or departing from the Ports of His Majesty the Emperor of Austria, and Austrian Vessels arriving in, or departing from the Ports of the United Kingdom of Great Britain and Ireland, and those of all the Possessions of Her Britannick Majesty, shall be subject to no other or higher duties or charges, of whatsoever nature they may be, than those which are actually, or may hereafter be imposed on national Vessels, on their entering into or departing from such Ports respectively.

Article II. All productions of the soil, industry, and art, of the States and Possessions of His Majesty The Emperor of Austria, including the said productions which may be exported through the northern outlet of the Elbe, and the eastern outlet of the Danube, and which may be imported into the Ports of the United Kingdom, and the Possessions of Her Britannick Majesty; and also all the productions of the soil, industry, and art of the United Kingdom and Possessions of Her Britannick Majesty, which may be imported into the Ports of His Majesty The Emperor of Austria, shall enjoy reciprocally, in all respects, the same privileges and immunities, and may be imported and exported exactly in the same manner, in Vessels of the one, as in Vessels of the other of The High Contracting Parties.

Article III. All commodities which are not the productions of the soil, industry, and art of the two respective States, or their Possessions, and which may be legally imported from the Ports of Austria, including those of the Danube, into the Ports of the United Kingdom of Great Britain and Ireland, of Malta and Gibraltar, and other Possessions of Her Britannick Majesty, in Austrian Vessels, shall be subject to the same duties only which would be paid on these same articles, if they were imported in British Vessels.

Her Britannick Majesty extends, by this Treaty, to Austrian Navigation and Trade, the full benefits of the two British Acts of Parliament passed on 28th August 1833, regulating the Trade and Navigation of the United Kingdom and British Possessions, as well as all other privileges of Commerce and Navigation now enjoyed, or to be hereafter granted by existing Laws, by Orders in Council, or by Treaties, to the most favoured Nations.

Article IV. All Austrian Vessels arriving from the Ports of the Danube, as far as Galatz inclusively, shall together with their cargoes, be admitted into the Ports of The United Kingdom of Great Britain and Ireland, and off all the Possessions of Her Britannick Majesty, exactly in the same manner as if such Vessels came direct from Austrian Ports, with all the privileges and immunities stipulated by the present Treaty of Navigation and Commerce. In like manner all British Vessels, with their cargoes, shall continue to be placed upon the same footing as Austrian Vessels, whenever such British Vessels shall enter into or depart from the same Ports.

Article V. In consideration of British Vessels, arriving direct from other Countries than those belonging to The High Contracting Parties, being admitted, with their Cargoes, into Austrian Ports, without paying any other duties whatever than those paid by Austrian Vessels, so also the productions of the soil and industry of the parts of Asia or Africa situated within the Straits of Gibraltar, which shall have been brought into the Ports of Austria, may be reexported from thence in Austrian Vessels directly into British Ports, in the same manner, and with the same privileges as to all manner of duties and immunities, as if these productions were imported from Austrian Ports in British Vessels.

Article VI. All commodities and articles of Commerce which according to the stipulations of the present Treaty, or by the existing Laws and Ordinances of the respective States, may be legally imported into, or exported from the States and Possessions of the Two High Contracting Parties, whether under the British or the Austrian Flag, shall in like manner be subject to the same duties, whether imported by national Vessels, or by those of the other State; and upon all commodities and articles of Commerce which may be legally exported from the Ports of either State, the same premiums, drawbacks, and advantages shall be accorded, whether they are exported by the Vessels of the one, or by those of the other State.

Article VII. All commodities and articles of Commerce, which shall be imported, placed in depôt, or warehoused in the Ports of the States and Possessions of the Two High Contracting Parties, so long as they shall remain in depôt or warehouse, and shall not be used for



internal consumption, shall be subject upon reexportation to the same treatment and duties, whether that reexportation shall be made in the Vessels of the one, or in those of the other State.

Article VIII. No priority or preference shall be given, directly or indirectly, by the Government of either Country, or by any Company or Corporation, or Agent, acting on its behalf or under its Authority, in the purchase of any article, the production of the soil, industry, or art of either of the two States and their Possessions, imported into the Ports of the other, on account of the nationality of the Vessel in which such articles may be imported; it being the true intent and meaning of the High Contracting Parties, that no difference or distinction whatever shall be made in this respect.

Article IX. In regard to the Commerce to be carried on in Austrian Vessels with the British Powers in the East Indies, Her Britannick Majesty consents to grant the same facilities and privileges to the Subjects of His Imperial and Royal Apostolic Majesty, as are or may be enjoyed, under any Treaty or Act of Parliament by the Subjects or Citizens of the most favoured Nations; subject to the Laws, rules, regulations, and restrictions which are or may become applicable to the Vessels and Subjects of any other foreign Country enjoying the like advantages and privileges of trading with the said Possessions.

Article X. The present Treaty does not include the Navigation and carrying trade between one Port and another situated in the Dominions of one Contracting Party, by the Vessels of the other, as far as regards the carrying of passengers, commodities, and articles of Commerce: this navigation and transport being reserved to National Vessels.

Article XI. The Vessels and Subjects of the High Contracting Parties shall, by the present Treaty, enjoy reciprocally all the advantages, immunities, and privileges, within the Ports of Their respective States and Possessions, which are now enjoyed by the Navigation and Commerce of the most favoured Nations; the effect hereof being to secure, in the United Kingdom and British Ports, to Austrian Vessels and Subjects, the full and entire advantages of Navigation and Commerce allowed by the Navigation Act passed in London on the 28th of August 1833, and by another Act of the same date regulating the Trade of the British Ports abroad or which may be accorded by Orders in Council, or by Treaty, to other Powers: and in like manner, British Vessels and Subjects shall enjoy, in the Ports of the States and Possessions of His Imperial and Royal Apostolic Majesty, the full and entire advantages of Navigation and Commerce granted by existing Laws, Regulations, and Ordinances, or by Treaty, to foreign Powers; and Her Majesty, the Queen of Great Britain and Ireland, and His Imperial and Royal Apostolic Majesty, engage reciprocally not to grant any favours,

privileges, or immunities whatsoever, in matters of Commerce and Navigation, to the Subjects of any other State, which shall not be also at the same time extended to the Subjects of the one or of the other of the High Contracting Parties, gratuitously, if the concession in favour of the other State shall have been gratuitous, or upon giving as nearly as possible the same compensation or equivalent, in case the concession shall have been conditional.

Article XII. The Clause of Article VII of the Convention concluded at Paris the 5th November 1815, between the Courts of Great Britain, Austria, Prussia and Russia, relative to the Commerce between the States of His Imperial and Royal Apostolic Majesty and the United States of the Ionian Islands, shall remain in force.

Article XIII. The present Treaty, after being signed and ratified, shall replace the Convention of Navigation and Commerce concluded the 21st December 1829, in London, between the Governments of His Britannick Majesty and of His Imperial and Royal Apostolic Majesty, and shall continue in force until the 31st of December 1848, and further, until the expiration of twelve months after one of the High Contracting Parties shall have notified to the other the intention to terminate it's duration. It is further agreed, that in twelve months after one of the High Contracting Parties has received from the other such notification, this Treaty, and all the stipulations it contains, shall cease to be obligatory upon either Party.

Article XIV. The present Treaty shall be ratified, and the Ratifications exchanged at Vienna in the space of one month, or sooner if possible.

In Witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms. Done at Vienna, the Third day of July, in the year of Our Lord 1838. Frederick James Lamb m. p. L. S. Metternich m. p. L. S.

We having seen and considered the Treaty aforesaid, have approved, accepted, and confirmed the same, in all and every one of its Articles and Clauses, as We do by these Presents approve, accept, confirm, and ratify it for Ourselves, Our Heirs and Successors: Engaging and Promising upon Our Royal Word, that We will sincerely and faithfully perform and observe all and singular the Things which are contained and expressed in the Treaty aforesaid, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our Power, For The greater Testimony and Validity of all which, We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand. Given at Our Court at Buckingham



Palace, the Seventeenth day of August in the year of Our Lord 1838, and in the second year of Our Reign. Victoria m. p." <sup>1)</sup>).

On the 16th of August of the same year a treaty was signed between Great Britain and Turkey, whereupon, on the 24th of August 1839, the government at Constantinople sent a Note to Austria, informing her that she now had the same rights as Great Britain.

After the Political Treaty of 15th July 1840, Russia came forth as the great patron of free navigation, at least, as far as the making of treaties was concerned, and, on the 25th of the same month, she appended her signature to a Commercial and Navigation Treaty with Austria, by which the Czar, evidently imbued with a desire to give effect to the principles of the Vienna Congress granted freedom of navigation to all nations for a period of 10 years.

Russia was obviously disappointed at Austria's making a Treaty with Great Britain, and a report of Count Ficquelmont, the Austrian Ambassador in London, to the Vienna Court, shows that Austria was also very anxious to remain good friends with Russia, and so made the above-mentioned Treaty with her.

On the 11th of January 1843 Russia signed a Treaty with Great Britain. (It seems that Great Britain was not greatly enamoured of the trade on the Upper Dan-

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<sup>1)</sup> Wurm, in his Letters about the Danube, states that Art IV. of this Treaty could not be enforced, because no Act of Parliament had been passed by Great Britain to adapt its Navigation Laws to meet the requirements of the Treaty of 1838. Wurm is evidently mistaken here, because an Act passed by the British Parliament on the 10th August 1840, along with an Order in Council of 23rd June 1841, disproves that assertion entirely.

ube, because the treaty with the German States of 2nd March 1841 does not mention this waterway).

The aforesaid Treaty of 25th July 1840 was due to expire on the 25th of July 1850, and it was given a respite, but only of one year. The "*Journal de St.-Pétersbourg*", on the 10th of October 1850, says that it was not Russia's fault that the Treaty was not prolonged for a longer period. The real reason was that Russia would not accept the Austrian alterations, which required guarantees from Russia to ensure the keeping of the Sulina mouth in good order.

Russia's willingness to make treaties was more fanciful than real. Her commercial interests all centred round the Black Sea, and so the Danube was completely neglected. Even the dredging was done in a desultory manner, so that the mouths of the river soon became so silted up that ships could only get through with great difficulty. In addition to this, Russia hindered the trade still further by insisting on quarantines, often under the pretext that an epidemic was prevalent.

Wurm in his Letters about the Danube, when describing the origin of these quarantines, says: "In 1835 English vessels were stopped by the Russian authorities, and the captains had to show their papers. The English government remonstrated. Russia replied by issuing an Ukase on the 6th of February 1836, to the effect that every ship at the mouth of the Sulina had to go into Quarantine." (The Ukase is to be found in the "*St. Petersburger Zeitung*" of 12th April 1836).

In 1843 the Russian government partly removed



some of the restrictions on the Sulina, but only for a short time.

It seems that the quarantines and the neglecting of the mouth of the river were not the only drawbacks, for the Austrian Minister of Commerce on the 10th of April 1849 sent the following communication to the Foreign Office: "We may be glad that the oppression and abuse to which our sailors were subjected have now been put a stop to by the removal of the officials against whom complaints had been made"<sup>1</sup>).

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<sup>1</sup>) Lord Palmerston in his speech in parliament on 7th July 1853 drew a vivid picture of Russia's negligence, but admitted at the same time that unfavourable circumstances had also done much to increase the amount of silt which had collected at the mouths of the Danube. On this occasion the "Correspondence with the Russian Government respecting obstructions to the Navigation of the Sulina Channel of the Danube" was presented to both Houses of Parliament by Command of Her Majesty. It contains 43 documents and covers a period of more than two years. The following is an extract from the Report of Vice-Consul Cunningham to Viscount Palmerston: "Galatz July 30, 1853. . . . The Austrian Lloyd's Steamer arrived this afternoon from Sulina, states that there are only 5<sup>3</sup>/<sub>4</sub> feet Venetian or 6 feet 8 inches English measure on the bar at Sulina. A British shipmaster, come up per steamer, states that when they left, there were only 6 feet English on the bar."

"The Austrian Lloyd's Steamers, which trade between this place and Constantinople can no longer cross the bar, but as two of them are shut into the Danube, they exchange cargoes and passengers over the bar."

"There are 11 British vessels, 15 Austrian, 3 Neapolitans, some Dutch and other vessels bound for England down at the Sulina, without the possibility of their getting over the bar, there is also an English and an Austrian vessel outside of the bar bound up the river, but they cannot enter the mouth."

"Galatz September 16, 1850. My Lord, . . . . When I stated to His Excellency that the state of the bar at Sulina would cause an expense or loss to British commerce and shipping of £ 30.000 this autumn, I calculated that the difficulty of Sulina would raise freights 3 s. per quarter, or to cause British vessels already 200.000 quarters amounts to £ 30.000. I have now taken information as to the quantity of grain pur-

The situation can be best illustrated by the fact that in 1840 the Austrian Danube Steam Navigation Company organized an overland-route from Cernavoda to Küstendsche. Besides this an English Company built a railway on this route, at the same time <sup>1)</sup>.

chased in Galatz and Ibraila intended to be shipped to Great Britain before the navigation closes; portion already in warehouse, and portion purchased for early delivery, and I find the purchases already made for English account, or at least to be shipped to England, are:

In Galatz:		In Ibraila:	
90.000	quarters of wheat	50.000	quarters of wheat
25.000	„ „ Indian corn	40.000	„ „ Indian corn
5.000	„ „ rye	210.000	quarters in all.

"From this time forward, purchases will no doubt be made on the calculation of higher freights, and the loss will be transferred more to the seller. A good deal of grain purchased for England must remain here all the winter, at an expense and loss far exceeding 3 s. per quarter. On the whole, it may fairly be reckoned that the state of the bar at Sulina will cause a loss to the provinces, and the traders in the province, of £ 100.000.—, and that from an impediment which might be removed for less than £ 1000.—."

To show how much mischief was done to navigation at the mouth of the Danube by Russia's enforced quarantines, we have only to refer to the „Economist” of 21st December 1853, which tells how a certain ship, which had been 65 days in quarantine at Galatz, had to pay the following charges to Russian authorities before being released:

135	piasters	for quarantine tax for the crew of 9 persons.
435	„ „	the guard on board.
150	„ „	two guards during the disinfecting of the ship.
90	„ „	the hire of a carriage for the inspector.

total 810 piasters.

<sup>1)</sup> The Cernavoda-Küstendsche railway was opened on the 4th of October 1860, on which occasion the Austrian member of the European Danube Commission, Herr v. Becke, reported as follows to Vienna: "The railway was opened in the presence of a large and fashionable assembly, among whom were Ethem Pasha, representing the Sultan, and the British Consul General at Bucharest, representing Sir Henry Bulwes. . . . This is the first railway in Turkey-in-Europe and it forms the best connection between western civilization and Constantinople. . . . But a regular train service is not yet possible, because a considerable amount



There was also a project to build a canal between Cernavoda and Küstendsche (Constanza). This project was discussed by the Austrian War Council for the first time in 1830. Lord Palmerston also gave this question his serious attention, as is to be seen from the following letter which he addressed to Lord Beauvale in Vienna:

"No. 151, Foreign Office November 28th 1839. My Lord,

With reference to Your Excellency's dispatch No. 146 of the 16th inst: relative to the discussions which are going on between Austria and Russia about the Navigation of the Danube, I have to state to Your Excellency that the canal which the Emperor Nicholas recommends the Austrian Government to make, even if it could be made, would not be so generally useful to the Commerce of Europe as the natural course of the Danube must be; because such a canal being a work of art, might be rendered liable to such regulations, restrictions and duties as the Government of the Country through which it passes might chose to impose upon it; whereas the natural course of the Danube being subject to those stipulations of the Treaty of Vienna which relate to the free Navigation of Rivers which in their navigable course traverse or separate different States, must be accessible and free for the commerce of all nations without any other duties, regulations or restrictions than are provided for in the Treaty of Vienna, and according to that Treaty no duty or tolls can be imposed on the Navigation of the Danube."

"Moreover it appears to Her Majesty's Government that it is quite unnecessary in order to bring the Danube within the provisions of the Treaty of Vienna, that the Sultan should become an according party thereto, because the Danube traverses the territory of more than one of the Powers which are parties to that Treaty; but nevertheless it might be desirable with reference to other considerations that Turkey should accede to that Treaty, and especially because her doing so would bind her in the same way in which Austria and Russia are now bound to the River Stipulations of that Treaty. Much of the Treaty of Vienna relates to events now gone by, and to arrangements which have been now long established, and to such parts of that Treaty it would be al-

of work still remains to be done. The greatest drawback is that the natural disadvantages of Küstendsche as a port make it incapable of coping successfully with the trade.

most ridiculous at this time of day to ask the Sultan to accede; but there might be an obvious utility in asking the Sultan to accede to the River articles of the Treaty of 1815, and Her Majesty's Government would be willing to concur with that if Austria made such a proposal to the Porte. I have to authorize You to communicate in that matter with Lord Ponsonby (Representative at Constantinople) who will be instructed to cooperate with the Internuncio. Palmerston m. p."

In 1815, Turkey, through not being a member of the European Concert, c o u l d not assent to the Declaration of the Freedom of Trade on the Danube. On the other hand when Russia, an active member of the Concert, came into possession of the mouth of the Danube, she d i d not try to remove those physical obstacles which were a perpetual hindrance to navigation.

On the 2nd of December 1851 <sup>1)</sup> Austria and Bavaria signed a Navigation Treaty, the most important articles of which are as follows:

Article I. declares navigation on the Danube and all its tributaries to be free to all nations, but only the contracting parties are allowed to have a regular service of ships. This does not prevent foreign ships from carrying goods to and from their own country. A regular service of ships trading between the different ports of one country can only be kept up by that country, but both Bavarian and Austrian ships have the right to carry goods to and from their own ports.

Article II. abolishes all advantages given to guilds and other corporations, as well as all other privileges. (With regard to the privileges of the Austrian and the Bavarian-Würtemberg Steam Navigation Company a

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<sup>1)</sup> On the same day another Treaty was signed by the same two powers regulating the policing of and the collecting of tolls on the rivers separating those two countries.



provisional arrangement was made in a special article in favour of these companies <sup>1</sup>).

By Article III. the contracting parties oblige themselves to issue uniform rules and regulations for the trade on the river and for the maintenance of the Police.

Article IV. abolishes the staple-rights and the Forced Harbour Duties.

Article VII. abolishes all the river tolls from the place where the river begins to be navigable right on to the Hungarian boundary-line. In the same article Austria obliges herself to simplify the system of collecting river tolls on Hungarian Waters, and to make no difference between Austrian and foreign ships. (From 1848 till 1867 Hungary was not independent, but an Austrian province).

In Articles XII. and XIII. the contracting parties oblige themselves to maintain the tow-path, and to remove all hindrances to navigation.

In another special article of the same Treaty Austria undertook to intervene on Bavaria's behalf with Russia and Turkey, to have the privileges which she herself enjoyed, extended also to Bavaria. Nevertheless, Austria did nothing to help Bavaria, in spite of the obligation she had taken upon herself, and Bavaria was left to her own resources. She, therefore, herself applied to Russia for redress, and all her wishes were fulfilled by a Treaty on 30th June 1853.

On the 5th of June 1855 Würtemberg also subscribed

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<sup>1</sup>) In 1854 the "Inn and Danube Steam Navigation Company" wanted to trade on the Austrian Danube, but the Austrian government refused their request, under the pretext that Article III. was only in favour of the Bavarian-Würtemberg Steam Navigation Company.

its name to the Treaty of 1851 between Austria and Bavaria, with, it is true, certain reservations. This Treaty, was, on the 10th of February 1856, prolonged for other five years.

#### THE TREATY OF PARIS 30TH MARCH 1856.

The attempts of the French Plenipotentiaries at the Congress of Rastadt (see p. 28), as well as at the Congress of Vienna (p. 41), to have the Danube declared an international river, remained fruitless, and it was not till the Treaty of Paris forced Russia, whose power had just been lowered in the Crimean war <sup>1)</sup>, to agree to the freedom of trade on the Danube.

As Turkey then became the protégé of the Powers, and, at the same time, a member of the European Concert, there was now no obstacle in the way to apply the principles of the Vienna Congress to the Danube.

Already in the Note of 8th August 1854 the Plenipotentiaries of Great Britain, France, and Austria, to wit, Lord Westmorland, Baron Bourqueney, and Count Buol-Schauenstein, declared that the relations between Russia and Turkey could only be righted if:

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<sup>1)</sup> Different shipping companies in Austria used to place certain orders with British firms for machinery. On the outbreak of the Crimean war the undermentioned orders had not yet been executed, because Britain very rightly at first refused the manufacturers permission to export the goods ordered, fearing that they might be destined for her enemy, Russia. Needless to say, the permission was afterwards granted on Austria's solemnly declaring that she would not reexport the goods. Robert Stephenson in Newcastle had an order for one engine of 200 H.P., Humphreys Tennant & Dykes in Deptford London for a propeller, M.M. Draper Pietroni & Co. in London for 200 Boiler Tubes, Messrs Blyth for an engine, and John Scott Russel in Millwall Poplar also for an engine.



"...2) la navigation du Danube à ses embouchures n'est point déli-  
vrée de toute entrave et soumise à l'application des principes consacrés  
par les actes du Congrès de Vienne...."

The explanation of Point 2) is:

„La liberté de la navigation du Danube doit être assurée jusque  
dans la mer. Ce but semblerait le plus sûrement atteint si le  
terrain compris dans le Delta du Danube était déclaré neutre. Le  
soin de débayer les embouchures et de les préserver de toutes  
entraves serait confié à une société qui serait responsable de ses  
actes vis-à-vis de toutes les Puissances. Une force militaire mixte, sur la  
formation de laquelle on s'entendrait en commun serait chargée de la  
police et de la surveillance des deux rives. De même chacune des Puis-  
sances aurait le droit de faire stationner un ou deux bâtiments à l'em-  
bouchure pour surveiller la stricte exécution des stipulations arrêtés.."

Prince Gortschakoff agreed to the Note of 8th  
August 1854, but a confidential letter of the French  
Foreign Secretary, Drouyn de Lhuys, to the French  
Ambassador in Vienna, shows us that his, the latter's  
government, was not inclined to put much faith in  
Russia's promises.

Great Britain, France and Austria were untiring in  
their efforts to bring about a peaceful issue to the Rus-  
so-Turkish dispute. Those same three powers made an  
alliance on the 2nd of December 1854, and then made  
a united attempt to finish the war, by sending a Memo-  
randum to Russia, outlining the conditions on which  
peace might be made, containing a reference to the  
Danube, similar to that in Point II. mentioned.

In the month of March 1855 a Conference of the Re-  
presentatives of Austria, Great Britain, France and  
Russia was held in Vienna<sup>1)</sup> to discuss the Memorandum,

<sup>1)</sup> See the minutes of this Conference in D. Sturdza, „Recueil de do-  
cuments relatifs à la liberté de Navigation du Danube", Berlin 1904 pp.  
12—23.

but it had not the desired result, owing to Russia's refusal to accept two of the conditions set forth in the Memorandum <sup>1</sup>).

Thanks to Austria's decisiveness, Russia was, at last, forced to agree to the Preamble to the Peace Treaty, which Preamble the Austrian Government sent to Count Eszterházy, their ambassador in St. Petersburg on the 16th of December 1855, to receive the Russian signature. Russia agreed to the conditions, whereupon Great Britain asked Austria, the mediator, to intercede and make known to Russia the special terms on which His Britannic Majesty was prepared to make peace. But Austria refused to intercede on Britain's behalf, and sent a note to Count Colloredo, <sup>2</sup>) ambassador at the Court of St. James, in which he said that, as Austria could no longer play the role of mediator, it would be advisable to have a conference called. This conference met in Paris in the month of February 1856. Baron Hübner, the then Austrian Ambassador in Paris, and Count Buol were chosen by Francis Joseph to represent him.

On the 11th of February 1856 the Emperor handed

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<sup>1</sup>) When it became known that all efforts to make peace had failed, the Austrian Ambassador sent a report to the "German Confederacy" saying: "France and Great Britain agreed at the outbreak of the war that they would settle the Eastern question without having any regard to their own interests."

<sup>2</sup>) Count Colloredo was recalled in the month of February 1856, and his place was taken by Count Apponyi, former Austrian Ambassador in Munich. On the 27th of February 1856 Count Buol of Ballplatz, who was at that time in Paris, wrote to Baron Werner his secretary in Vienna a letter containing the following allusions to this change: "... You will see from the enclosed report that the appointment of Count Apponyi had been well received in London."



them his "Punktationen", i. e. instructions for their guidance at the Conference. These instructions were agreed upon at a meeting of the Cabinet presided over by the Emperor, and contained remarks in pencil written by the Emperor's own hand. The following marginal note is very characteristic of the Emperor's attitude to the Danube: "There must be a very clear distinction made between the question of the Sulina and that of the Danube proper. On the former all the powers have equal rights, whereas, on the latter, only the Riparian States have got a say in the matter . . . ." <sup>1</sup>).

I now append an extract from the protocol of the cabinet meeting in Vienna: ". . . . There was a lengthy discussion as to whether the Riparian States or the European Powers should superintend the work of keeping the mouth of the Danube in a navigable condition. Baron Bruck was of opinion that the former should look after the work, seeing that foreign intervention was always a ticklish and thorny question. But Count Buol, objecting to this plan, drew attention to the sacrifices which both Russia and Turkey had made for the sake of free navigation, and then reminded the Conference of the unalterable text of the Preamble."

The Emperor was kept well posted up both officially and unofficially with regard to all that took place at the Conference in Paris, which held, in all, 24 sittings, the last on the 16th of April.

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<sup>1</sup>) In the same instructions the Emperor expressly declared that "all modern, liberal, and democratic institutions in the Danube principalities of Moldavia, Wallachia and Servia should be made impossible, so as not to give rise to political disturbances or, in any way, stir up the people.

A preliminary and private meeting of Great Britain, France and Austria was held on the 21st of February, prior to the first general meeting, which was held on February 25th.

On the 20th of February 1856 Buol reports that the French Minister, Walewsky, complained to him that he, Walewsky, was not in favour at the Court of St. James, owing to his friendly feeling towards Austria, and that Britain was trying to have him superseded, and, on the 3rd of March, Buol reports that the antagonism between Walewsky and Lord Clarendon was clear and undisguised. The official reports of 23rd and 25th March 1856 also referred to this open hostility. In his letter about his audience of the French Emperor on the 26th of March, Buol says that he drew the attention of the latter to the difficult situation held by Lord Clarendon in London, owing to the position taken up by his opponents, the war-party there, whose leader was Lord Palmerston <sup>1</sup>).

The question of the Danube first came up for discussion at the 5th sitting, held on the 6th of March <sup>2</sup>).

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<sup>1</sup>) In his private report of the 24th of February Buol speaks of another conversation with the French Emperor, in which the latter expresses his regret that Austria had not taken part in the war, seeing that she would have gained both in territory and in power. Buol replied that Austria's intervention might perhaps have brought her an extension of territory and power, but it would certainly also have brought her a great increase and variety of troubles. On the 15th of April Count Buol reports to his Emperor that it is high time to end the Conference, because Cavour of Sardinia is very disappointed that his hopes have not been fulfilled. He begins to sulk, and his moodiness becomes extremely distasteful even to his best friends.

<sup>2</sup>) See the minutes of these Conferences in D. Sturdza, "Recueil etc." pp. 25—32.



On the 12th of March the discussion about the Danube was continued, whereupon the Austrian delegates reported as follows to their head-quarters:

"Paris, March 13, 1856. To His Imperial Royal Apostolic Majesty, Our most Gracious Sovereign,"

"Point II. of the Peace Preliminary runs as follows: „La liberté du Danube et de ses embouchures sera efficacement assurée par des institutions européennes dans lesquelles les puissances contractantes seront également représentées, sauf les positions particulières des riverains, qui seront réglées sur les principes établis par l'acte du Congrès de Vienne en matière fluviale." Count Walewsky based on this same point his project, and wanted the enactments of the preamble to be applied to the whole of the Danube. Your Majesty's senior representative, Buol, protested, but was answered by M. Walewsky, in the name of France, that the Danube could only be treated as one indivisible whole; among other things he stated that even the Preamble which was thought out and worded in Vienna bore out this idea."

"Walewsky goes on to speak about the organisation of two Commissions, to regulate Danube navigation, one Commission to be European, and the other which was to be partly dependent on the former, to represent the Riparian States."

"We, Your Majesty's Plenipotentiaries, exhausted all our resources in trying to keep the Upper Danube beyond the pale of the Conference and of the Commission about to be organized. But our task was a very difficult one, all the members being against us. Neither could we answer satisfactorily some of the arguments with which they assailed us. Even although we should succeed in carrying our point, without endangering the progress of the peace negotiations, Your Majesty's government might find itself in a very precarious situation. We had a stiff fight against the French proposal which was strongly backed by Great Britain."

"The one object we kept in view was to see that the Upper Danube should not become the subject of European politics, even although the Conference had already decided that the enactments of the Vienna Congress should be applied to the Danube. Our task seemed so insurmountable, that we, from the very start, decided on a different plan of campaign. We said to the Conference: You want to apply the enactments of the Vienna Congress to the Danube, but at the same time, you want to appoint an European Commission, to regulate and control the mouths of the river. This Commission is to have both a direct and an indirect influence, seeing that it will have to draw up regulations for the

whole river, and also instructions for the guidance of the Commission representing the Riparian States. But the decrees of the Vienna Congress make no provision for interference by the European Powers; the right of administration belongs to the Riparian States and to them alone. You want us to put into force the enactments of the Vienna Congress, and at the same time you are going to establish a Commission which is not so much as mentioned in the "Acts of the Vienna Congress".

"The Conference admitted the soundness of this argument. To facilitate matters, we were prepared to admit the enactments of the Vienna Congress as an analogy, but not to see them applied <sup>1)</sup>).

„But our premises were liable to be interpreted in two different ways. The first interpretation is two-fold: a) The enactments of the Vienna Congress shall not be applied to the Upper Danube, but only to the Lower Danube, and b) an European Commission shall be appointed at the same time. The second interpretation means that those same enactments refer to the whole Danube, and that is equal to saying that a River Commission of all Riparian States and not an European Commission is to be appointed. If it is decreed to appoint an European Commission, then that Commission shall be limited both as to time and function, and shall not, in any way, interfere with the Riparian States Commission."

"Does Your Majesty think that the first point of view could have been carried into effect? It certainly baffled us. It was also in contradiction to Point II. of the Preamble. The purpose of all the associated powers to incorporate Turkey in the European Family, and the desire of our Government to free Commerce and industry from all artificial obstacles, as well as numerous other motives, debarred us from carrying out the idea of internationalising the Turkish Danube, and of reserving the German Danube for Bavaria and Austria exclusively, till the year 1880, because the Steam Navigation Company in Vienna has been guaranteed the sole right of trading on the river till that time. 'You want Europe not only to clear the mouths of the Danube', cried Lord Clarendon over to us, 'but also to give you the exclusive right of trading there!'"

"It was much easier for us to uphold Your Majesty's point of view with regard to the clear distinction that must be made between the Sulina and the Upper Danube. These are the words of Your Majesty's final instructions to us, and they form the sum and substance of the whole question. After a rather lengthy discussion, we succeeded in persuading the Conference to agree to our point of view, that, if the

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<sup>1)</sup> From this remark the Vienna Plenipotentiaries seem not to have been aware that the legal meaning of the word "analogy" implies "application", or else they had ulterior motives.



enactments of the Vienna Congress were to be applied to the whole Danube, then all matters relating to the river must be settled by the Commission of the Riparian States. The functions of the European Commission shall not include the working out of the regulations for the River Police, nor the drawing up of the Instructions of the Riparian States Commission, but shall be limited to removing all obstacles to navigation at the mouths of the Danube."

"No decision was come to yesterday, but we have no doubt that we shall be able to carry our point that the European Commission shall have nothing whatever to do with the Riparian States Commission. This is also Your Majesty's point of view. We further hope that Your Majesty will empower us, 1) to declare that the enactments of the Vienna Congress shall be applied to the whole Danube, 2) to fix the time, within which all obstacles in the way of such application shall be overcome. Your Majesty's first Plenipotentiary did not bind himself to accept either of the proposals, but declared that he would recommend the latter one to Your Majesty. We beg to add . . . The only argument in favour of not applying the enactments of the Vienna Congress was, that the Danube Steam Navigation Company had been granted a monopoly. But we had already, on 2nd December 1851, pledged our word to Bavaria that this privilege should cease with the year 1880, provided no alterations were made before that time. Your Majesty will now see that we had acknowledged the principle of the freedom of the Upper Danube, and, therefore, it is only a question of time, till an agreement with the Privileged Danube Steam Navigation Company will be come to, and till the Treaty with Bavaria, which was a short step in the right direction, shall be revised."

"The Privileged Danube Steam Navigation Company may cause difficulties, seeing that the privilege enjoyed by them was granted and approved by Your Majesty's government. It behoves Your Majesty's Ministers for Commerce and Finance to overcome these difficulties. The following topic would be of no small importance for the Danube Steam Navigation Company. Their steamers trade to-day on the Turkish Danube in accordance with the old Austro-Turkish Treaties, which open all the Turkish rivers and seas to the Austrian flag. But we can not presume that those Treaties can be applied to waters that have, up till now, belonged to Russia. In any case, this point is capable of being interpreted in different ways; and the English representatives have given us clearly to understand that, as the Upper Danube would not be declared free in accordance with the Decrees of the Vienna Congress, the Lower Danube would be closed for Austrian ships, and also for the ships of the Privileged Danube Steam Navigation Company, as far as the Turkish frontier."

On the same day the Austrian Representatives sent a second report embracing all the questions and decisions on this subject, in the hope of winning the Emperor's approval to Walewsky's proposal.

Count Buol did not content himself with those two reports, but sent a private report to the Emperor to convince him of the feasibility, advisability and necessity of making the Danube free. This private report says among other things:

".... I consider it a moral impossibility to assert that the principles of the Vienna Congress can never be applied to the Danube. Such an assertion would call forth a unanimous cry of displeasure, it might even frustrate the whole work of the Peace Conference, and rob us of the fruits of the freedom of the mouths of the Danube, with our possible exclusion from participation in the regulation of the Eastern question .... In conclusion, I humbly beg Your Majesty to bear in mind that it is better far to grant this freedom of our own will and accord, than to wait till we are forced to do so. Why should the conditions which have had such beneficial results on the Rhine and the Elbe not be introduced on the Danube?"

By a careful study of all the documents that passed between the Austrian Emperor and Buol we can see that the Emperor was entirely averse to any kind of freedom of navigation being introduced on the Danube. Although Buol was reluctantly forced to agree to all the articles of the Paris Conference, which certainly granted a large measure of freedom to the Danube, he, nevertheless, informed his Emperor that those same articles gave less freedom to the Danube than the enactments of the Vienna Congress did. He either must have been unable to understand the full meaning of those articles or he was trying to mislead Francis Joseph.



On the 16th of March the Emperor gave his consent.

A telegram sent by Buol to Vienna on the 24th of March shows that Lord Clarendon took a very active part in the discussions, using both his influence and eloquence in the cause of freedom.

On the 29th of March the Danube was for the last time under discussion, and the following articles were the final word on this subject:

Article XV. The Act of the Congress of Vienna, having established the principles intended to regulate the Navigation of Rivers which separate or traverse different States, the Contracting Powers stipulate that those principles shall in future be equally applied to the Danube and its Mouths. They declare that its arrangement henceforth forms a part of the Public Law of Europe, and take it under their Guarantee. The navigation of the Danube cannot be subjected to any impediment or charge not expressly provided for by the Stipulations contained in the following articles; in consequence, there shall not be levied any Toll founded solely upon the fact of the Navigation of the River, nor any Duty upon the Goods which may be on board of Vessels. The Regulations of Police and of Quarantine to be established for the safety of the States separated or traversed by that River, shall be so framed as to facilitate, as much as possible the passage of vessels; with the exception of such Regulations, no obstacle whatever shall be opposed to free Navigation.

Article XVI. With a view to carrying out the arrangements of the preceding Article, a Commission, in which Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, shall each be represented by one delegate, shall be charged to designate and to cause to be executed the necessary Works below Isaktcha, to clear the Mouths of the Danube, as well as the neighbouring parts of the Sea, from the sands and other impediments which obstruct them, in order to put that part of the River and the said parts of the Sea in the best possible state for Navigation.

In order to cover the Expenses of such Works, as well as of the establishments intended to secure and to facilitate the Navigation at the Mouths of the Danube, fixed Duties, settled by the Commission by a majority of votes, may be levied, on the express condition that, in this respect as in every other, the Flags of all Nations shall be treated on the footing of perfect equality.

Article XVII. A commission shall be established, and shall be com-

posed of delegates of Austria, Bavaria, the Sublime Porte and Würtemberg (one for each of those Powers) to whom shall be added commissioners from the Three Danubian Principalities, whose nomination shall have been approved by the Porte. This Commission, which shall be permanent shall; 1. prepare Regulations of Navigation and River Police; 2. remove the impediments, of whatever nature they may be, which still prevent the application to the Danube of the Arrangements of the Treaty of Vienna; 3. order and cause to be executed the necessary Works throughout the whole course of the River; and 4. after the dissolution of the European Commission, see to maintaining the Mouths of the Danube and the neighbouring parts of the Sea in a navigable state.

Article XVIII. It is understood that the European Commission shall have completed its task and that the River Commission shall have finished the Works described in the preceding Article, under Nos. 1 and 2 within the period of two years. The signing Powers assembled in Conference having been informed of that fact, shall, after having placed it on record, pronounce the Dissolution of the European Commission, and from that time the permanent River Commission shall enjoy those same powers with which the European Commission shall have until then been invested.

Article XIX. In order to insure the execution of the Regulations which shall be established by common agreement, in conformity with the principles above declared, each of the Contracting Powers shall have the right to station, at all times, Two Light Vessels at the Mouths of the Danube.

Whereas the articles of the Vienna Congress contain only principles of general importance, the Paris Treaty takes under consideration only one river, the Danube, and therefore its enactments are more concrete than those of the Vienna Congress. The one great difference is that the enactments of the Paris Treaty came into force immediately after the signing of the Treaty <sup>1)</sup>.

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<sup>1)</sup> In June 1856 the Austrian government under the pretext that the Riparian States Commission must first enforce the enactments of the Paris Treaty, put difficulties in the way of the Würtemberg government when the "Inn and Danube Steam Navigation Joint Stock Company" at Ulm tried to trade on the Danube.



## Second Part.

### INTERNATIONAL LAW WITH REFERENCE TO THE DANUBE FROM THE TIME OF THE PARIS TREATY DOWN TO THE PRESENT.

A new chapter of International Law, as applied to the Danube, was opened up with the Treaty of Paris, which Treaty, in spite of its good points, nevertheless was defective, in that it was not precise enough. Article XV. was particularly vague, and consequently gave rise to differences of opinion as to whether the vessels of all nations alike, or only those of the Riparian States, were to be allowed to carry passengers and goods by regular services. While the appointment of the European Commission as prescribed by Article XVI. met with universal acclamation, that of the Riparian States Commission (Art. XVII.) was much less fortunate.

The cause of the complete failure of the Riparian States Commission is to be found in the fact that Austria had granted the Austrian Danube Steam Navigation Company a monopoly in 1846, and was forced to indemnify this company for the loss it sustained as the result of Article XV. of the Paris Treaty. The nature of the indemnification was quite as unfortunate for Austria as the monopoly had been. Austria signed a contract on the 23rd of May 1857 to the effect that, if the

net proceeds of the Austrian Danube Steam Navigation Company for any year should be less than 8 % of the share capital, she would make good the deficit, but the total sum must not exceed 198.000.— Florins. So we see that it was impossible for Austria, in this affair, to act independently of the Austrian Danube Steam Navigation Company. Her hands were so bound by her relation to that Company that she could not protect the economic interests of the country, much less those of the world at large.

The Riparian States Commission met in Vienna on the 29th of November 1856 <sup>1)</sup>. The first meeting was opened by the Austrian Minister of Commerce, who took advantage of the occasion to declare that the Austrian Steam Navigation Company would be indemnified, as soon as the rules regulating Danube Navigation were drawn up. If we read Art. XVII. of the Paris Treaty correctly, we can only conclude that the Company had nothing whatever to do with the working of the Riparian States Commission, and therefore the remark about the indemnification was entirely out of place, as was also the presence of the Austrian Minister at the meeting.

Austria, Bavaria, Turkey, Württemberg, and the three Danube Principalities, Servia, Moldavia, and Wallachia were represented at the meetings. Herr von Blumfeld, the Austrian representative, was unanimously chosen chairman of the Commission.

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<sup>1)</sup> R. B. Mowat in his book, "The great Treaties of the 19th Century" Oxford 1918, p. 172, says that the Riparian States Commission never met. But this is a mistake.



It was agreed to discuss, in the first instance, Rules referring to navigation, and, for this purpose, three sub-committees were appointed. The function of the first was to work out a plan for the free navigation of the river, and for the preparation of the necessary documents for the ships and boatmen; the function of the second was to settle the principles regulating duties, quarantines, passports, mails etc., that of the third was to prepare a plan for the elimination of physical obstacles to navigation. (The Commission held 33 sittings, the last on the 7th of November 1857).

The result of the deliberations of the three sub-committees were the "Navigation Acts" of 7th November 1857 <sup>1)</sup>, signed by all the Riparian States, but not by the Danube Principalities <sup>2)</sup>.

Of all Riparian States Austria had most to win or lose on the Danube. And so her main object at the drawing-up of the "Navigation Acts" was to safeguard her own financial interests as well as those of the Austrian Danube Steam Navigation Company. With this in

<sup>1)</sup> The literal text of the "Navigation Acts" are found in D. Sturdza's „Recueil de Documents relatifs à la liberté de Navigation du Danube" pp. 51—66.

<sup>2)</sup> The Austrian Consul-General in Belgrade writing to Vienna on the 12th of April 1860, says that France was behind Serbia's refusal to agree to the "Navigation Acts", seeing that she herself wanted to establish a Franco-Servian Navigation Company. The "Compagnie Générale Franco-Serbe" appeared publicly in 1861. The Paris newspaper "La Presse" of 20th April 1861 advertised that the Company had acquired concessions from the Servian government not only to trade on the Danube, but also to exploit the forests and coal and iron mines in Servia. The Austrian Consul-General also says that Servia was offended at the Austrian representative's proposal to have only 4 original specimens of the "Navigation Acts" printed, one for each of the states and nothing for the Principalities.

view she made a proposal for the collecting of the tolls, which would certainly have been very advantageous to herself, but a deathblow to free navigation. Austria also aimed at having the regular steamship services reserved for the use of the Riparian States. Herein she had the full support of Wallachia. Bavaria and Würtemberg pleaded for a more liberal spirit, but, in the end, they too gave in.

A further result achieved by the Riparian States Commission was a temporary project for the Policing of the river <sup>1</sup>).

The following event may serve to show how careful Austria was to safeguard her own interests in the discussions of the Riparian States Commission. On the third of February 1857 the European Danube Commission at Galatz wrote a very polite letter to the Riparian States Commission enclosing a copy of the minutes of all their meetings, and asking if they would be kind enough to give in exchange a copy of the minutes of the meetings of the Riparian States Commission, so that the two commissions might work hand in hand with each other. But this letter does not give the impression that the European Danube Commission was very anxious to have anything to do with its sister commission. This is all the more remarkable, seeing that the two commissions were appointed to draw up a Code of Rules for the same river. Although Bavaria, Würtemberg, and Servia did not object to the polite request of

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<sup>1</sup>) The exact wording of this project, which is appended to the minutes of the meeting of the 16th of October 1857, is found in Sturdza's "Recueil de documents etc." pp. 37—50.



the European Danube Commission, the Riparian States Commission, acting on Austria's proposal, refused to accede.

Seeing that Herr von Blumfeld could not carry out his intentions, he as chairman adjourned the meetings "till the delegates should receive further orders". This he did in a letter, in which he also enclosed a copy of the minutes of the last meeting <sup>1</sup>).

On the second of January 1858 Wallachia's representative sent a letter to Herr von Blumfeld requesting him to resume the discussions, but the latter turned a deaf ear to his request, and so the members of the Riparian States Commission left Vienna. On the 18th of April 1858 Servia's Foreign Secretary informed Herr von Blumfeld that he had recalled his representative from the Commission and would send another in his place. But on the 26th of June 1858, Austria's Consul-General at Belgrade wrote to Ballplatz saying that there was little chance of Servia's sending a new deputy in the near future. When Württemberg's representative left Vienna he gave as his reason that no good could come of his remaining longer in Vienna, seeing that the meetings had been adjourned *sine die*.

On the seventh of June 1858 the president of the Commission sent to each member a corrected copy of the Rules about the Policing of the River, but did not call a meeting <sup>2</sup>). The Austrian Minister of Commerce

<sup>1</sup>) All those members of the Commission who had in any way furthered Austrian interests received high honours from the Emperor of Austria.

<sup>2</sup>) This project was printed in French and German. Neither the French copy, consisting of 51 articles, nor the German one of 53, coincides with the project as given by Sturdza.

reported to the Foreign Office that the members of the Commission had not received their instructions from their governments, and it would be better to carry on the negotiations by letter.

The "Navigation Acts" already spoken of were discussed by the Conference of the Powers in Paris in the month of August 1858, along with the French Foreign Secretary's criticism of them. Lively newspaper polemics preceded and accompanied the discussions of the Conference; the "Times" and the "Nord" of Brussels being against the "Acts", and the "Beobachter" of Stuttgart in favour of them. It was while these discussions were going on that Wurm had his "Letters about the Danube" published in the Hamburg newspaper "Börsenhalle".

On the 16th of August 1858 the Plenipotentiary of Great Britain, Lord Cowley, objected to some of the articles of the "Navigation Acts", especially to Article XXII. referring to the control of the toll collecting by the Riparian States, and to Article VIII. about the reserving to the Riparian States of the right to convey passengers and goods by regular services, also to Article XXXIV. according to which the Riparian States claimed to have the right to alter the "Acts" as they should think fit. He also objected that the articles did not apply to the tributaries of the Danube.

All the members of the Conference took Lord Cowley's side. The Austrian representative, Baron Hübner, stoutly defended the "Acts", and he went so far as to say that it could be brought into force without the sanction of the great powers. To bear out his point of



view, he referred to the memorandum of the British Foreign Office of 23rd April 1857 that "the Riparian States Commission should report to the conference at Paris that it had drawn up a list of Rules for the Navigation and the Policing of the river, not however that the Conference should ratify or confirm what the Commission had done, but that it should merely take cognisance of the fact that a list of rules had been drawn up." The sum and substance of Lord Cowley's opinion was that the "Navigation Acts" were not in keeping, either with those of the Vienna Congress, or with the last clause of Article XVI. of the Paris Treaty, which assured equal rights to the flags of all nations.

The Austrian representative referred to the minutes of the seventh meeting of the Vienna Congress of 1815 (see p. 44), which might be construed to mean that the "regular services right" should be reserved for the Riparian States <sup>1)</sup>. He also gave the Rhine as an example, whereupon Lord Cowley replied that the fact that the enactments of the Vienna Congress were wrongly applied to the Rhine could not be taken as proof that the Riparian States alone had the right, and he referred to the Po which was free to all nations alike.

There is no doubt that the question was ambiguous<sup>2)</sup>,

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<sup>1)</sup> The Conference did not touch the question to which Wurm draws attention, viz. that the Conference of Paris was not bound in any way by the resolutions of the Vienna Congress, but was free to declare unrestricted freedom to the Danube.

<sup>2)</sup> The Austrian Ambassador in Würtemberg wrote to Vienna on the 19th of January 1859 that Count Walewsky had informed Baron Wächter, Würtemberg's Ambassador in Paris, that he, Walewsky, was aware that the enactments about the Regular Services Right were very vague.

but as the powers were against Baron Hübner to a man, he was reluctantly forced to give in, and after the Turkish representative had left Austria in the lurch, it was decided to remit the "Acts" to the Riparian States Commission for alteration <sup>1</sup>).

At the same meeting, on the 16th of August, Lord Cowley urged that the Conference discuss what steps should be taken to enforce the Riparian States to clear the way at the Iron Gates. But the Austrian representative, although he lost his point about the "regular services right", was, in this case, able to persuade the meeting to postpone the discussion of this question till a future date, under the pretext that "Austria was devoting all her attention to this problem." This excuse for the postponement given by Baron Hübner was a travesty of the facts, and was contrary to the enactments of the Paris Treaty, which assigned the regulation of the Iron Gates to the Riparian States Commission, and not to Austria <sup>2</sup>).

The "Navigation Acts", slightly altered, it is true, were signed by the Riparian States on the first of March 1859, but, even in their altered form, they were far from complying with the demands of the Conference.

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<sup>1</sup>) After the Paris Conference was over, Baron Prokesch, the Austrian Plenipotentiary at Constantinople, on the 5th of January 1859, sent a rather amusing report to Vienna to the effect that Fuad Pasha had told him privately that he, the latter, had really intended to support Austria at the Conference, but he was afraid of the energetic and almost warlike bearing of Lord Cowley.

<sup>2</sup>) Austria continued this wordy warfare even after the Conference, through her ambassadors. She complained that the members of the European Danube Commission had intentionally ridiculed articles VIII. and XXII.



Article VIII. was so altered as to grant "Regular Services Right" to every flag, from any sea-port to any Danubeport above Galatz. But this alteration had no practical effect, because sea-going vessels could not sail above that port. The Powers pleaded for a discussion of that document, but in vain; for Austria, always a pastmaster in dallying, and fearing an unfavourable decision, again succeeded in persuading the Powers to let the matter stand over <sup>1)</sup>).

As no agreement could be come to about Navigation Enactments pertaining to the Danube, each Riparian State drew up laws and byelaws to suit its own convenience.

On the 28th of March 1866, the Russian representative again brought up the questions of the Riparian States Commission and of the "Navigation Acts" for discussion at the Conference of the Powers in Paris, and Prince Metternich promised to give the project of 1858 his "most careful attention". But this was only bluff, because the political uncertainty on the banks of the Lower Danube was, in the eyes of Austria, unfavourable to a convocation of the Riparian States Commission. Although Lord Cowley and all the other representatives urged a convocation of the same, the wily Metternich succeeded in putting them all off, under the plea that Austria would have the whole matter amicably settled by 1871, the year in which the European Danube Commission was to cease its activities.

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<sup>1)</sup> Austria had good reason to be dubious of the decision of the Powers, to each of whom she had sent a copy of the altered "Navigation Acts" without getting a favourable answer from any of them.

But Austria was less fortunate in this than she had expected. It is true that the "Regular Services Right" had been settled by the various Treaties which Austria had made with the different powers granting them that right, but the other and chief obstacle to the convocation of the Riparian States Commission, viz. the fear of trouble arising in the Danube Principalities, was still very acute.

The following decision of the Conference of London in 1871 was the cause of the postponement for an indefinite period of the convocation of the Riparian States Commission:

"Article V. The conditions of the re-establishing of the Riverain Commission, established by Article XVII. of the Treaty of Paris of the 30th of March 1856, shall be fixed by a previous understanding between the Riverain Powers, without prejudice to the clause relative to the 3 Danubian Principalities, and in so far as any modification of Article XVII. of the said Treaty may be involved, this latter shall form the subject of a special Convention between the co-signatory Powers".

That was both the death-blow and the burial-service of the Riparian States Commission <sup>1</sup>).

The European Danube Commission was much more active and much more successful than the Riparian States Commission. It was the untenable situation at the mouths of the Danube which made this Commission a necessity. The great powers decided that the regulation and the dredging of that part of the river as far as Isaktcha should be withdrawn from the authority of the Riparian States, and entrusted to that of a commission on which all the great powers were to be represented.

The first project of this commission was drawn up by Baron Prokesch, representing Austria, and was read at

<sup>1</sup>) See: Professor F. Heiderich "The Danube as waterway."



the Conference in Vienna on the 21st of March 1855. At the next meeting Lord John Russell proposed that the Commission should be permanent, or, failing that, dissolvable only by mutual agreement. But his amendment was not accepted. Although Article XVI. of the Paris Treaty restricted the duration of this commission to two years, the fact that the commission is still in existence and doing good work, is a proof of the foresight of Lord John Russell.

This Commission held its first meeting on the 4th of November 1856 at Galatz <sup>1)</sup>. Austria, France, Great-

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<sup>1)</sup> The minutes of the first meeting about the competence of the members of the Commission are not in accordance with certain articles of the Paris Treaty: § 1, line 3 said that the members of the Commission should be Plenipotentiaries of the Powers. That could only mean that the members had to be recognised as competent, but not entitled to draw up Treaties binding on the Powers. This explanation is also in accordance with the opinion given by the British Attorney-General in the lawsuit of the Austrian Danube Steam Navigation Company v. the Greek Oriental Company re the sinking of the steamer 'Mars'; "It does not seem to be contended that the Treaty of Paris, *per se*, authorized the Navigation Enactments, or that the European Commission had any *a priori* authority to make the Navigation Enactments; and in the absence of proof to that effect the Privy Council pronounced the Navigation Enactments invalid. If the Treaty did not authorize the Navigation Enactments, it hardly seems sufficient to allege, that each of the governments, parties to that Treaty, has, by some separate consent or authorization, sanctioned or appeared to sanction them; for an International Treaty cannot be varied or supplemented in a matter beyond the territorial jurisdiction of each particular Power by such separate action, without some other Treaty Convention or diplomatic engagement. These regulations might indeed have been established as local law by competent legislative acts of the proper territorial authority but the Austrian Government does not allege that there has been any such act beyond the mere publication of the Navigation Enactments by certain local officers of certain ports, who cannot well be supposed to have possessed legislative authority. Even the assent of Turkey and the other Powers parties to the Treaty (except Great Britain who has done

Britain, Prussia, Russia, Sardinia, and Turkey were represented by Herr von Becke, M. Engelhardt, Major Stokes, Herr Bitter, Baron Offenberg, Marquis d'Aste, and Omer Pasha respectively <sup>2)</sup>. Omer Pasha had the honour of being the first president, no doubt because the Commission was meeting on Turkish territory. On the 29th November 1856 the European Danube Commission came to a provisional agreement about its sphere of influence and mode of action. A number of offices had to be adapted for the use of the members

all that was possible on her part short of Parliamentary legislation, to give validity to these Regulations as far as concerns British Subjects), is rather left to be inferred from the acquiescence of the respective governments in the assumption of this power by their commissioners, than manifested by any public or authentic acts, capable of being produced as evidence in a court of Justice."

<sup>1)</sup> The Austrian Ambassador in London, Károlyi, reported to Vienna on 14th May 1856 that Lord Clarendon was of opinion that the members of the Commission should have technical knowledge. Major Stokes, the British member of the Commission showed that he was a practical man, by first going to the mouths of the Danube to see with his own eyes the state of affairs there. He was accompanied by Admiral Lyons, Consul Cunningham, and Captain Spratt. The following is an extract from the instructions given him, prior to his departure, by Lord Stratford de Redcliffe: "It appears that you are called upon to take part in four operations, namely, firstly the designation of the works to be executed, secondly the execution of those works, thirdly the settlement of the duties to be levied and of their rates, fourthly the collection of the duties according to the prescribed rates. Such is the order in which you and your colleagues will probably find it convenient and indeed necessary to proceed in carrying your instructions into effect. The works must be designated before they are executed; the duties must be regulated according to the nature and expense of the works; their rates must be fixed before they can be collected. As these successive operations are to be carried on by a commission deliberating and acting in common, the first preliminary is to bring the delegates together and with that view to settle the place of their meeting. The arrangement of these two points must emanate from the respective governments on their R. R. here, at least in so far as the first meeting is concerned."



of the Commission to enable them to carry on their work efficiently, e.g. an office at Galatz for the First Secretary, a Printing Office to print the minutes and the Rules and Regulations of the Commission in 5 languages, a Head Office for the Cashier and the Book-Keeper at Galatz, one branch office for the cashiers at Toultscha and Sulina respectively, further an office for the engineers, private telegraphic communication between Galatz, Toultscha and Sulina. Since 1860 the Statistics relating to Commerce and Navigation have been drawn up at the Cashier's Head Office at Galatz.

As the meetings of the Commission were few and far between an Executive Committee was appointed to control and be responsible for the working of the Commission.

At first the working of the Commission was both laborious and expensive. But in course of time, as it gained experience, it introduced simpler and cheaper methods. The want of sufficient funds also forced the Commission to be more economical.

One of the first things the Commission did was to draw up Rules regulating the Navigation and Policing of the mouths of the River. On the 31st of March 1857 Rules for the Pilot Service were published, on the 29th of April 1858 Rules for Casting Ballast, on the 24th of November 1858 Rules regulating the use of lighters etc. etc. In the course of time these rules were repeatedly revised and altered to suit the altered conditions.

The Commission had not been long in existence when it underwent radical changes. As has already been mentioned the principal object of the Commission was to

have all obstacles to navigation at the mouths of the Danube removed within two years. But the members of the Paris Conference were totally unaware of the enormity of the work which the Commission was appointed to carry out. After the two years had elapsed, it was evident that the Commission would have to continue its labours for a very long time to come, if it wanted to do a lasting service to navigation.

Another important change was made in regard to the sphere of influence of the Commission. The intention of the Paris Conference was that the Riparian States Commission should assume the control and management of the Danube from its source to its mouths after the European Danube Commission ceased to exist. But as the Riparian States Commission had proved more or less incapable, and as Austria had never summoned it together since the year 1857, there was nothing left for the European Danube Commission to do but to continue the work itself. It gradually assumed a more and more permanent position, and its laws and regulations which were at first only temporary measures, were, later on, expressly declared to be permanent <sup>1)</sup>.

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<sup>1)</sup> A Memorandum of the British Foreign Office of 23rd April 1857 contains the following reference to this subject: (See p. 86) "... the view which has hitherto been taken of the duties and functions of the European Commission is incorrect .... It is clear .... that the idea of conferring upon the European Commission the power of making regulations for the navigation and the police of the river which was at first entertained, was eventually abandoned; that the duties of the European Commission are limited to scientific and financial objects; that it is to see what works are required for the improvement of the navigation below Isaktcha, is to execute those works, and to frame a tariff of Charges by



It was the Paris Conference of 1858 which first decided that the Commission should continue its activities till the work could be brought to a successful issue. Again in 1866 the Paris Conference agreed that the Commission should go on with its work till 1871. On the same occasion the Conference ratified the "Public

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which the expense of such works and of the establishments required for the security and facility of navigation at the mouth of the Danube shall be provided for. But no power is given to the European Commission to lay down rules by which the navigation shall be carried on, or police regulations for the maintenance of order."

"But power in these last two respects is given at once to the River Commission, and this last Commission is further empowered at once to undertake works above the limits temporarily reserved to the European Commission. It further appears that no power whatever is reserved to the conference of judging or confirming the acts of the European Commission. All that is provided, is that both commissions shall have completed within the space of two years the duties respectively assigned to them for performance within those two years, namely as regards the European Commission the determination and execution of the requisite works and the compilation of the tariff of charges; and as regards the River Commission the compilation of the regulations for navigation and river Police, and the removal of all obstacles to the application to the Danube of the arrangement of the Treaty of Vienna, and that they shall report to the Conference that they have done so, not however that the Conference should ratify or confirm what they have done, but should merely record the fact of its having been done and thereupon pronounce the dissolution of the European Commission from which time the River Commission in addition to the special attributes which it shall have enjoyed up to that time, shall assume and exercise the special attributes of the European Commission, namely those having for their object to keep the Lower Danube in a navigable state and to provide funds for that purpose."

"If this is the correct interpretation of the Provisions of the Treaty, the questions raised by the European Commission are at once disposed of; we need not trouble ourselves to enquire what regulations they may establish or how they may enforce them, for, having no authority to establish regulations, they can of course have no regulations to enforce, the caution also which the French government have recommended should be observed in sanctioning any regulation provisionally laid

Act Relative to the Navigation of the Mouths of the Danube" drawn up by the Commission with a few unimportant alterations.

The proposal of Lord Cowley that the sphere of influence of the European Commission should be extended by the European Commission, lest they should form a precedent for subsequent observance by the River Commission, is also superfluous; and this suggestion to enable the European Commissioners to exercise provisional jurisdiction, ceases to be applicable."

"It is clear however that some regulation both as regards the navigation and police of the river must be established. *Prima facie*, the Porte has the right as territorial sovereign to promulgate and enforce the observance of such regulations. But the delegation to the River Commission of authority in this matter has barred the Porte of its extreme right, and if the River Commission were now prepared with the requisite regulations, it is presumed all that would be required would be to devise means by which the observance of them could be made obligatory on the subjects of all nations frequenting the Danube. The question is not as regards crime in the ordinary acceptation of the term, for the consular authorities of the several Powers could under their capitulation with the Porte deal with cases of that kind, but as regards transgressions of a new and exceptional character which could not heretofore have been committed, and for which consequently no provision has as yet been made."

"... it is remarkable that the Treaty of Paris is entirely silent as to the manner in which the European Commission and afterwards the River Commission are to get authority to enforce their respective regulations, and further that the relative positions of the European and of the River Commission are most obscure and indefinite. In the 17th Article of the Treaty of Paris it is said the River Commission shall firstly prepare regulations for navigation and River Police; and 4th shall after the dissolution of the European Commission see to maintaining the mouths of the Danube and the neighbouring parts of the Sea in a navigable state."

"The question therefore arises, whether the European Commission is during its life time to frame the ordinances of navigation, and if so are those ordinances to be binding on the River Commission, or is the latter under the power given to it to prepare regulations of navigation, to be at liberty to revoke or alter the ordinances of the commission? It appears to H. M.s government that if these questions are not settled now, they will hereafter be a fruitful cause of controversy."



ded to include Braila did not find favour, owing to the hostile attitude of Turkey <sup>1)</sup>).

At the Conference in London in 1871, called together to consider what steps should be taken with regard to Russia's declaration that she would no longer respect the neutrality of the Black Sea, the following decision was come to, concerning the European Danube Commission:

"Article IV. The Commission established by Article XVI of the Treaty of Paris, in which the Powers who joined in signing the Treaty are each represented by a delegate, and which was charged with the designation and execution of the works necessary below Isaktcha, to clear the Mouths of the Danube, as well as the neighbouring parts of the Black Sea, from the sands and other impediments which obstruct them, in order to put that part of the River and the said parts of the sea in the best state for navigation, is maintained in its present composition. The duration of that Commission is fixed for a further period of 12 years, counting from the 24th April, 1871, that is to say, till the 24th April, 1883, being the term of the Redemption of the Loan contracted by that Commission, under the Guarantee of Great Britain, Germany, Austria-Hungary, France, Italy, and Turkey."

"Article VII. All the works and establishments of every kind created by the European Commission in execution of the Treaty of Paris of 1856, or of the present Treaty, shall continue to enjoy the same Neutrality which has hitherto protected them, and which shall be equally respected for the future under all circumstances, by the High Contracting Parties. The benefits of the immunities which result therefrom shall extend to the whole administrative and engineering staff of the Commission. It is, however, well understood that the provisions of this article shall in no way affect the right of the sublime Porte to send, as herefore, its Vessels of War into the Danube in its character of Territorial Power."

The decision contained in Article VII. practically corroborates what was stated in Article 21 of the "Public Act Relative to the Navigation of the Mouths of

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<sup>1)</sup> A Blue Book published by the British Government in 1866 contains a copy of the protocol of this Conference.

the Danube" about the neutrality of the works and buildings etc. of the European Commission.

As article VIII. also refers to the same subject I now append it:

"The High Contracting Parties renew and confirm all the stipulations of the Treaty of the 30th March, 1856, as well as of its annexes, which are not annulled or modified by the present Treaty."

Although the question of extending the Commission's sphere of influence as far as Braila was considered and discussed more than once by the Conference, it had always to be dropped, owing to the vigorous opposition of Turkey.

As Roumania was recognised as an independent state by the Berlin Congress she was allowed to have a representative on the European Danube Commission, according to Article LIII. which says:

"The European Commission of the Danube on which Roumania shall be represented is maintained in its functions, and shall exercise them henceforth as far as Galatz in complete independence of the territorial authorities. All the Treaties, arrangements, acts, and decisions relating to its rights, privileges, prerogatives, and obligations are confirmed."

Article LIV. referring to the prolongation of the Commission runs:

"One year before the expiration of the term assigned for the duration of the European Commission (24 April, 1883) the Powers shall come to an understanding as to the prolongation of its powers, or the modifications which they may consider necessary to introduce."

Articles XLVII. and LVI. imposed additional tasks on the Commission:

"Article XLVII. The question of the division of the waters and the fisheries shall be submitted to the arbitration of the European Commission of the Danube."



"Article LVI. The European Commission of the Danube shall come to an arrangement with the proper authorities to ensure the maintenance of the lighthouse on the Isle of Serpents."

Although many attempts had been made to have the Commission's sphere of influence extended as far as Braila, it was not till the meeting of the London Conference of 1883 that it became realized, as we see from Article I. of the Conference, which runs:

"La juridiction de la Commission Européenne du Danube est étendue de Galatz à Braila."

The duration of the Commission for a further period of 21 years was prolonged, according to the terms of the following Article II <sup>1)</sup>:

"Les pouvoirs de la Commission Européenne sont prolongées pour une période de vingt et un ans à partir du 24 avril 1883. A l'expiration de cette période, les pouvoirs de la dite Commission seront renouvelés par tacite réconduction de trois en trois ans, sauf le cas où l'une des hautes parties contractantes notifierait, un an avant l'expiration de l'une de ces périodes triennales, l'intention de proposer des modifications dans sa constitution ou dans ses pouvoirs" <sup>2)</sup>.

Russia only gave her consent to this decision after the Conference had promised to remove the Kilia branch of the Danube Delta from the sphere of influence of the European Danube Commission. The following four Articles deal with this subject.

<sup>1)</sup> Lord Granville wanted to prolong the duration of the Commission for an indefinite period.

<sup>2)</sup> The fact that the Berlin Congress had agreed to Roumania's being represented on the European Commission encouraged not only that country but also Servia and Bulgaria to apply for an invitation to the London Conference of 1883. It was decided to admit Roumania's and Servia's representatives to the meetings of that Conference without granting them the right to vote. Bulgaria's representative was also admitted to the Conference, but was not allowed to take a seat at the green table.

"Article III. La Commission Européenne n'exercera pas de contrôle effectif sur les parties du bras de Kilia dont les deux rives appartiennent à l'un des riverains de ce bras.

Article IV. Pour la partie du bras de Kilia qui traversera à la fois le territoire Russe et le territoire Roumain, et afin d'assurer l'uniformité du régime dans le Bas-Danube, les Règlements en vigueur dans le bras de Soulina seront appliqués sous la surveillance des délégués de Russie et de Roumanie à la Commission européenne.

Article V. Au cas où la Russie ou la Roumanie entreprendrait des travaux soit dans le bras mixte, soit entre les deux rives qui leur appartiennent respectivement, l'autorité compétente donnera connaissance à la Commission Européenne des plans de ces travaux, dans le seul but de constater qu'ils ne portent aucune atteinte à l'État de navigabilité des autres bras.

Les travaux qui ont déjà été exécutés au Tchatal d'Ismail restent à la charge et sous le contrôle de la Commission Européenne du Danube.

En cas de divergence entre les autorités de la Russie ou de la Roumanie et la Commission Européenne quant aux plans des travaux à entreprendre dans le bras de Kilia, ou de divergence, au sein de cette Commission, quant à l'extension qu'il pourrait convenir de donner aux travaux du Tchatal d'Ismail, ces cas seraient soumis directement aux Puissances.

Article VI. Il est entendu qu'aucune restriction n'entravera le droit de la Russie de prélever des péages destinés à couvrir les frais des travaux entrepris par elle.

Toutefois, en vue de sauvegarder les intérêts réciproques de la navigation dans le bras de Soulina et le bras de Kilia, le Gouvernement Russe, afin d'assurer une entente à ce sujet, saisira les Gouvernements représentés dans la Commission Européenne des Règlements de péage qu'il jugerait utile introduire."

### *Regulations respecting navigation etc. from the Iron Gates to Galatz.*

Article LV. of the Berlin Congress runs as follows:

"The regulations respecting navigation, river police, and supervision from the Iron Gates to Galatz shall be drawn up by an European Commission, assisted by Delegates of the Riverain States, and placed in harmony with those which have been or may be issued for the portion of the river below Galatz."

To meet the requirements of the situation brought



about by this article the European Danube Commission appointed a sub-committee of representatives of Germany, Italy and Austria-Hungary to draft the necessary regulations. The document which the Sub-Committee finally laid before the European Danube Commission was called: "Avant-Projet". Among other things it provided for the appointment of a special permanent sub-committee ("mixed commission") to supervise navigation between Galatz and the Iron Gates, to be presided over by Austria-Hungary, who should have a casting vote. This roused the indignation of Roumania, who objected that Austria-Hungary was incompetent, seeing that the part of the river in question was outwith her territory.

Although the following Article VII. of the London Conference of 1883 ratified the above mentioned project about the sub-committee, it never came into force, owing to the spirited protest of Roumania <sup>1)</sup>.

"Article VII. Le Règlement de navigation, de police fluviale et de surveillance élaborée le 2 juin 1882, par la Commission européenne du Danube, avec l'assistance des Délégués de la Serbie et de la Bulgarie, est adopté tel qu'il se trouve annexe au présent Traité et déclaré applicable à la partie du Danube située entre les Portes-de-Fer et Braila."

### *The Cataracts and the Iron Gates.*

The great obstacles to navigation on the Danube were the sanding at the mouths, the Iron Gates and the Cataracts above Orsova.

Various attempts have been made to overcome the

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<sup>1)</sup> M. Barrère, the French Representative of the European Commission was unsuccessful in his attempts to conciliate Austria-Hungary and Roumania.

natural difficulties of the Iron Gates and the Cataracts. The first blasting operations were carried out by the Hungarian engineer, Paul Vásárhelyi, from 1832 to 1836. These operations had to be stopped because sufficient money was not forthcoming for their continuation, and Count Széchenyi had a highroad built on the left bank of the river from Báziás to Orsova to cope with the trade.

In 1847 the Austrian Danube Steam Navigation Company also tried its luck at blasting, with no better result. The next unsuccessful attempt was made in 1854 by the Austrian Government, as a preparation for their taking part in the Crimean war.

Although none of the great powers represented at the Paris Conference of 1858 objected to Article 21 of the "Navigation Acts", which allowed the Riparian States to levy taxes on the parts to be regulated at the Iron Gates and Cataracts, the latter states did nothing whatever in this respect.

In 1868 both Britain and France had under consideration a plan to entrust the head-engineer of the European Commission, Sir Charles Hartley, with the task of having the obstacles on the river removed. But the outbreak of the Franco-Prussian War prevented them from carrying out their intention.

Three years later at the London Conference in 1871 the following Article was drawn up giving effect to the afore-mentioned intention of France and Britain:

"Article VI. As the Powers which possess the shores of that part of the Danube where the Cataracts and the Iron Gates offer impediments to navigation reserve to themselves to come to an understanding with



a view to removing those impediments, the High Contracting Parties recognise from the present moment their right to levy a Provisional Tax on Vessels of commerce of every flag which may henceforth benefit thereby, until the extinction of the Debt contracted for the execution of the Works, and they declare Article XV. of the Treaty of Paris of 1856, to be inapplicable to that part of the River for a space of time necessary for the repayment of the debt in question."

But as Austria could not come to an agreement with Turkey, the plan was again doomed to delay, and nothing more was heard of it till the time of the Berlin Congress, Article LVII. of which entrusted Austria-Hungary with the carrying out of the task.

Article LVII. The execution of the works which have for their object the removal of the obstacles which the Iron Gates and the Cataracts place in the way of navigation is entrusted to Austria-Hungary. The Riverain States on this part of the river shall afford every facility which may be required in the interest of the works.

The provisions of the sixth Article of the Treaty of London of the 13th March 1871, relating to the right of levying a provisional tax in order to cover the cost of these works, are maintained in favour of Austria-Hungary.

The brunt of the work fell on Hungary, who, in 1896, officially declared that the task had been brought to a successful issue. But the work had been done in a very unsatisfactory manner. Hungary's attitude left much to be desired, for she immediately levied taxes, contrary to the provisions of Article CXI. of the Vienna Congress.

The "Navigation Acts" of 1857, the summoning of the Riparian States Commission, the control of navigation between Galatz and the Iron Gates, and the levying of taxes at the Iron Gates had, at different times, been discussed, from the point of view of international law,

but, up to the beginning of the great World-War, no final arrangement had ever been made with regard to them.

During the war the Central Powers held various conferences for the purpose of discussing the great question of Central Europe. Needless to say the Danube was the centre round which all the other topics revolved. Both Germany and Austria-Hungary were convinced of the necessity of drawing up once for all rules to regulate all those questions about the Danube, which had hitherto been left unsolved.

The Allied and Associated Powers meeting in Paris devoted much time and care to the solving of this thorny problem. The Treaties which Germany, Austria, Bulgaria, and Hungary were asked by them to sign, all contain articles referring to the regulation of traffic on the Danube which are couched more or less in the same words. But the Allied and Associated Powers themselves say that these are only provisional arrangements, and that "the régime set out in the Treaties shall be superseded by one to be laid down in a General Convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognised in such Convention as having an international character."

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## THE DANUBE AS WATERWAY





## First Part.

### NAVIGATION ON THE DANUBE BEFORE THE DAYS OF STEAM.

Herodotus (484—424 BC.), the father of history, is the first authentic writer who makes mention of the Danube. In part IV. ("Melpomene") of his history under the heading "Dareios and Skythika" he writes as follows:

"The country of the Scythians is a flat plain, covered with grass, and well watered. It is crossed by rivers, as numerous as the graves in Egypt. I shall enumerate the most important of them, those which are directly accessible from the Pontus Euxinus. First comes the Istros (Danube) with its five mouths. As far as I know, the Istros is the largest of all rivers, and is equally high both in Summer and in Winter. It is the greatest river in the country of the Scythians; it has numerous tributaries: Pyretos (Pruth), Tiarantos (Aluta), Araros (Sereth), Naparis (Jalomitza) and Ordessos (Ardjis) in Scythia; Maris (Maros) in the country of the Agathyrsiens; Atlas, Auras and Tibisis (Theiss) in the mountains of Hãmos (Balkan); Athyris, Noes and Artanes in Thrace; Kios in the mountain of Rhodope; in Illyria Brongos, and Karpis in the country of the Ombrikenes. The Istros flows through the whole of Europe, from the country of the Celts, the most distant people in Europe . . ."

As we see, Herodotus is not quite true to fact with regard to the source of the river and its tributaries <sup>1)</sup>.

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<sup>1)</sup> The German writer Kolster in his "Land of the Scythians in Herodotus and Hyppokrates" asserts that Herodotus visited only the Black Sea.



The following words of his (Part 4, 36) are very pertinent:

"I must laugh, when I see how foolishly many writers describe the circle of the earth . . . . They say that the Ocean surrounds the whole earth, which appears round, and, according to their drawings, Asia is as large as Europe. (At the time of Herodotus the earth was represented as a cylinder with a diameter 3 times longer than its height.)

The Greek name Istros, probably comes from the colony Istros founded by the Greek state Miletos on the right bank of the Danube about the year 650 BC. There were some other colonies on the banks of the Istros, as e. g. Noviodonum (later Isaccea), Durostorum (later Silistria), Nicopolis, Bononia (later Vidin), and Ratia-ris (later Lompalanka). Miletos, the second largest commercial town of the world at that time, was chiefly engaged in trade on the Black Sea and the surrounding countries. The number of the colonies founded by it amounted to a hundred, the first of which, founded in 750 BC., was Sinope on the Black Sea.

Another Greek writer Strabo, in the year 25 AD, mentions the Lower Danube as a waterway, and says that trade was carried on "on one of the seven mouths of the Danube".

The Roman Emperor Trajan, by reason of his victories in Dacia <sup>1)</sup> on the banks of the Lower Danube <sup>2)</sup> in 107 BC., came into possession of the whole river, the upper part of which was called the "Danube", even before the Roman conquest of that territory. "Danu-

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<sup>1)</sup> Dacia was the old name of Moldavia and Wallachia, which two countries now go by the name Roumania.

<sup>2)</sup> The right bank of the Lower Danube was called Mysia, the banks of the Upper Danube Pannonia and Noricum.

vius" was called the God of this river, and there were found in Donaueschingen and in Aquincum (near Budapest) inscriptions, which prove the truth of this story.

The Romans first of all used the Danube for strategic purposes. The region round about the source of the Danube was called "Mons Abnoba" and there are authentic proofs in Tacitus' "Germania" that the source of the river was well known to the Romans. The ruins of the Trajan high-road are still to be seen on the left bank of the Danube at the Iron Gates, between Báziás and Orsova, as also are the remains of a Trajan slab in the Kazan-Pass, opposite Ogradena. Roman historians give Carnuntum, a town of considerable strategic importance near Vienna, as the centre of the Danube flotilla. Further interesting details about Roman relics near the Danube are to be found in the illustrated work, "Description du Danube" . . . . Vol. II. by Mr. le Comte Louis Ferd. de Marsigli, Membre de la Société Royale des Londres etc. Hague 1744.

Both the history of international law and the history of navigation are unknown in the nomadic periods, following the overthrow of the Roman Empire. Seeing that these Nomads did nothing to further civilization, we can safely infer that navigation was also "left fallow" by them.

The first people to establish themselves on the banks of the Danube after the disorders caused by the nomadic wanderings were the Avars, who were driven out by Charlemagne in the 9th century. The Avars were succeeded by the Bulgarians who came from the banks of



the Volga. They lived on friendly terms with Charlemagne, the Emperor of Franconia, and used the Danube as a commercial way, from the mouth of the Theiss to the Black Sea, until they were conquered by Emperor Basilius II. of Byzanz <sup>1)</sup>. The greater part of the territory occupied by them was afterwards taken by the Hungarians, the last of the nomadic races in Europe.

The Hungarians were, first and foremost, a fighting race, entirely averse to work. They spent their time in making pillaging expeditions to Western-Europe. The benign influence of Stephen I., the first king, made those savage warriors a consolidated and peaceable state. Not only did they do nothing to hamper navigation on the Danube, but they even took part in it themselves in the 11th century. That Stephen I. had a church built in Constantinople for the boatmen coming there is a sufficient proof of this.

That also German merchants devoted themselves to commerce in the 12th century, can be seen from coins bearing on this period, which have, at different times, been dug out of the earth. The crusaders <sup>2)</sup> who set out from Ulm on the Danube did much towards directing commerce, especially from Genua, to this waterway <sup>3)</sup>.

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<sup>1)</sup> Some inscriptions on stones which have been found prove that the Franconians traded on the Danube and levied taxes on all goods carried.

<sup>2)</sup> It must be added that, under the pretence of being crusaders, vagabonds and ruffians of all sorts organized themselves into predatory bands and rendered trade on the Danube both insecure and dangerous.

<sup>3)</sup> The opinion of most writers that the first crusaders sailed on the Danube is untrue. There is no doubt whatever that the most of them performed the journey on foot.

Ratisbon (Regensburg) was their base. As at that time the sea-way to India had not yet been discovered, the Danube played a great part in the world's trade, as it formed a connecting link with the Crimea <sup>1</sup>).

The historian Rogerius, who was secretary to the Hungarian King, Béla, when speaking of Pest, calls it the "Portus Danubii", as early as the 12th century. In the following century it received a staple-right.

Original documents of the Austrian town of Stein mention taxes which were levied on ships and cargoes on the Danube in the 12th century, the proceeds of which taxes were pocketed, first by Prince Leopold, and afterwards by his son Frederick. According to extant documents the principal articles of import were: raw-silk, gold and silver goods, military decorations, oil, laurel-leaves, saffron and other spices. Leather-goods, wool and weapons were exported. The following charges were made:

for 1 pound of saffron	2 Pfennig.
„ 1 mule-load of cinnamon	60 „
„ 1 „ „ „ pepper	30 „
„ 1 „ „ „ ginger	60 „

To illustrate the state of civilization at that time it may be mentioned that the principal part of the profits was derived from the export of female-slaves to Turkey, while the trade in male slaves had been stopped in the 10th century.

There were boatmen guilds also along the banks of the

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<sup>2</sup>) Josef M. Wofbauer draws attention to the fact that the synod of Lateran also attracted commerce to the Danube by forbidding trade with the Saracens.



Danube; historical documents of such guilds in Pest are still extant. We have authentic proofs that trade on the Bavarian and Austrian parts of the river was monopolized by guilds, just as on the Rhine, at that time. But it was not so on the Lower Danube, where each Riparian State did the trade on its own part. (The Greeks were also privileged to trade on the Lower Danube).

Besides Pest, the following towns were given staple-rights on the Upper and Middle Danube: Ulm, Donauwörth, Ratisbon, Passau, Stein, Vienna, Komárom, Esztergom, and Pressburg. The river-tolls were not paid for nothing; they were a reimbursement for the keeping of the banks in good repair and for the facilitating of traffic. But this original idea of the river-tolls was lost sight of later on by the feudalists, who, giving nothing in return, did much to impede trade. (See p. 8).

From the 13th to the 15th century trade on the Lower Danube and at its mouths was mostly in the hands of the Genoese, who were principally engaged in the export of grain from Moldavia. Caffa was their principal port. Nicephorys Gregoras narrates that the Genoese merchants allowed no one to trade there who was not in possession of a Genoese passport. Baicoianu in his "History of the Roumanian Toll-Policy" (p. 17) gives the following table of duties levied at the port of Calafat in Wallachia in the 15th century:

1 ox, 3 asper; 1 cow, 2; 2 sheep, 1; 1 horse, 6; 100 ox hides, 15; 1 sack of wheat, 2; 1 cask of wine, 10 asper.

The same writer also relates that Polish merchants, sailing through Hungarian territory, did a large trade

on the Moldavian and the Wallachian Danube <sup>1)</sup>.

The Turks, having taken Constantinople, were now threatening the riparian states of the Upper Danube, and all trade was at a standstill <sup>2)</sup>. This state of affairs went on till the "Séned" of 1616, which gave a new impetus to the trade both of Austria and Turkey <sup>3)</sup>. Wallachia and Moldavia took scarcely any part in this trade, because they were not allowed to sell their grain and their cattle to any but Turkish merchants. The following is the report of Barbu Stirbey, Prince of Wallachia, (1849—1856) in his memorandum of 1832 to the Russian ambassador, Kisselew, at Paris, about the economic situation of Wallachia and Moldavia; "... In this way the Roumanian farmer was reluctantly forced to grow no more than was sufficient for his own consumption, because he would have to sell his surplus produce at prices much under cost price." The only profits which Wallachia and Moldavia got at this time were derived from the transit duties which were afterwards forbidden, as being illegal, by a "Ferman of 1763 addressed to the Princes of Moldavia and Wallachia. This can be seen from a Moldavian list of tolls dated 1761. Leipzig merchants passing through these countries had to pay a toll of 8 Lei for a two-horse

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<sup>1)</sup> Baron Schweiger-Lerchenfeld in his work on the Danube says that the report of the Austrian Steam Navigation Company in 1881 about the surprise of the people of Vienna in 1278 at seeing a ship with goods leave that town for the Black Sea, is quite incredible, because the Viennese had long been aware of the Danubian commercial waterway.

<sup>2)</sup> The Genoese historian, Folieto, tells how the Genoese were driven away from the Danube by the Turks. Caffa was captured in 1476.

<sup>3)</sup> There was at this time a cessation of hostilities between Austria and Turkey.



vehicle, and 12 Lei for one drawn by two oxen.

At the end of the 17th century, when the Turks had been driven back, trade on the Danube began to flourish anew. In 1671 the Levante Trading Co. was founded for the purpose of trading between Ulm and the East. The treaties of Carlowitz, Posarowitz and Belgrade changed the situation completely, and made the Danube free. It may be mentioned that the rapidity with which Prince Eugen brought his reinforcements down the Danube, was, in no small measure, the cause of the overwhelming defeat of the Turks. In this he was materially helped by foreign powers. Herr C. V. Suppan, one of the present directors of the Austrian Danube Steam Navigation Company, says that, in 1692, the French Admiral François Joseph de Fleury took part in the construction of war-ships in the Austrian capital. Baron Schweiger-Lerchenfeld also reports that in 1715, the English ship-builder, Daniel Davids, was invited to come to Vienna for the same purpose.

According to B. Gonda the Hungarians, smarting no longer under the Turkish yoke, used their part of the Danube for commercial purposes. They traded in rock-salt found in the mountains of Marmaros. It is not till the end of the 17th century that we read of regular passenger traffic on the Upper Danube. The ships used for this purpose were called "Ordinarschiffe" and conveyed passengers from Ulm to Pressburg<sup>1</sup>). The voyage from Ulm to Vienna took about 10 days; and that from

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<sup>1</sup>) The last of these ships to leave Ulm in 1837 was stranded at Donaustauf and all lives were lost.

Vienna to Pressburg 8 hours. There were faster-sailing ships from Ratisbon to Vienna, but they were much dearer, costing 180 Florins. As it was much safer for people to travel by water than by land, these ships were greatly preferred, just as was the case with the "Diligences" on the Rhine. We can easily understand that there was no up-passenger-traffic, because ships took six weeks from Vienna to Ratisbon.

The Empress Maria-Theresia (1740—1780) like her father, Charles, was an energetic patron both of sea and river navigation. She was instrumental in abolishing all illegal river duties in Hungary. This was the subject of Art. 17 of the second decree of 1751:

"De libero navium, ratiumque in quibusvis fluminibus ascendentium et descendentium transitu. Clementer admittit Sua majestas sacratissima: ut in omnibus regni fluminibus ab ascendentibus, sive descendentibus navibus, ratibusque, seu illae pro militaribus, seu pro dominis terrestribus colligantur, omnis sufferatur actio, ita quidem: ut domini terrestres adversus constitutionem istam exactionem quampiam facientes, poenae aurorum centum, et refusionis expensarum in litem erogandarum, pro damnificatis coram vice-comite et sibi adjunctus desumenda, obnoxii sint; non absimiliter, ut abusus etiam in quibusvis regis liberisque civitatibus et oppidis, qualicunque sub titulo exactionum introducti, sub praemissa poena in praevaricantibus civitatibus et oppidis, per magistratus comitatuum desumendo tollantur; si vero militares exactiones quaspiam facerent, illis in specifico repraesentatis, sua majestas sacratissima excessum ejusmodi indilate corrigi faciet"<sup>1)</sup>.

<sup>1)</sup> Gonda unjustly says that the object of this measure was to abolish river-tolls. It was only meant to put a stop to illegal tariffs. The Staple Rights on the Danube were abolished by law in 1830. According to a report by the president of the "Hofkammer" in Vienna to Metternich on the 4th of April 1837 the following duties were collected on the Austrian Danube before 1830: 1) River-Toll for foreign goods, 8 Kreutzer per centner. Some important articles, such as seeds, fat, coal, cattle, wood, and meat were exempted. 2) Skiff Duty 9 Kreutzer to 4 Florins according to the size of the skiff. 3) Landing Duty at the ports of Engelhartzell, Linz, Vienna and Nussdorf, 4) Duty for the Towing



We must not lose sight of the fact that the Hungarian nobility were exempt from all duties till the year 1848, when a bill was passed which deprived them of this privilege.

Nicolas Docan in his "Explorations autrichiennes sur le Danube à la fin du XVIIIe siècle" which deals with this period, informs us that Count Stahrenberg in Vienna, at the express desire of the Empress, made attempts to organize the export of goods from Austria to the Black Sea, and, for this purpose, ordered the Viennese merchant, Kleemann, to export Austrian manufactured articles and Hungarian raw goods to the Black Sea. In Kleemann's book of travels he vividly describes the great dangers to which his rowing boat was exposed, especially at the Iron Gates. The Temesvar Company of grain merchants which was formed at that time became bankrupt in 1772.

The son and successor of Maria Theresia, the Emperor Joseph II. (1780—1790) encouraged navigation, not only by statutes, but also by subsidies. His object was to capture the Wallachian and Moldavian trade, and in this he was greatly helped by his chancellor Kaunitz, who was in permanent correspondence with Baron Herbert Rathkeal in Pera (Stambul) for the purpose of developing the export of goods to the Orient through the Danube-Delta. (See p. 23). Joseph II. had the "Sénéed" of 1784 published. There is a preface to

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Horses, 12 Kreutzer per horse. 5) Duty for Hoisting a Flag at the Dangerous Places of Grein (Upper Austria) 6 Kreutzer, This last mentioned tax was not abolished till 1849. There was also a „Forced Harbour Duty" (jus ripaticum) in Hungary.

the work containing all the necessary information about treaties which had been made with Turkey, and also a list of articles which would sell well in Turkey. The efforts of the Emperor, and his promise of subsidies, induced the Austrian firms Willeshofen, Brigenty, and de la Zia to open up a market in the East, especially for Austrian industrial goods and grain. The principal articles of export were: salt, grain, wine, hemp, tobacco, and wool. The subsidies were in the nature of what is now known as the most-favoured nation treatment. The firms were allowed a reduction of the export-duties to the extent of 16 %, and had the privilege of importing goods duty-free from Russia and Turkey. In 1784 many foreign merchants established themselves in Cherson and traded with Poland on the Danube.

Encouraged by the promises of Joseph II., Osman Pasha, Baron Taufferer and the contractor Valentin Gollner set sail with a cargo of Austrian and Hungarian goods to Constantinople. The last mentioned started with two ships on the 30th of June 1786. One ship was sunk by the Turkish frontier-guards, the other arrived safely at the Black Sea. In spite of this disaster, Joseph II. and his chancellor continued in their wise policy, because it was afterwards proved that the Turkish government had had nothing to do with the sinking of the boat. M. Ebner v. Ebenthal reports that in the first six months of 1787 three Hungarian ships sailed with cargoes of grain to the Black Sea.

Joseph's foresight bore good fruit, for, after the Peace-Treaty of Sistow, in 1796 the first Navigation



Company in Hungary was formed by Royal Patent <sup>1)</sup>.

Napoleon, realising the importance of the Danube, called it the "King of Rivers", and so aroused in the people the enthusiasm necessary for the further development of river trade. Besides having a map of the river drawn, he also established a flotilla on the Danube, which attracted universal attention. The first Insurance Company for Shipping was founded in 1807, in Pest. This company was, at the same time, a shipping concern, having its own ships. On the Lower Danube both rowing-boats and sailing vessels took part in the trade, whereas from the Iron Gates upwards only rowing-boats could be used. There was now a considerable boom in boat-building, the principal yards being at: Kelheim, Szeged, Jasenovac and Virovitica.

We can picture to ourselves the crude state of navigation at that time, when we consider that the ordinary rowing-boat then in use, with a cargo of grain, took a month to sail from Pest to Vienna. And this was no small undertaking, for one boat was accompanied by 8 boatmen, 40 horses and 30 drivers. Freights were relatively very high: 1.30 Florins was charged for 1 centner of grain from Temesvár to Pest, 3 Florins from Vienna to Constantinople, and 1 Florin for 1 centner of salt

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<sup>1)</sup> It was this company which constructed the Francis Canal, connecting the Theiss with the Danube; they also spent half a million Florins on preparing the banks and the bed of the Kulpa river for the purposes of navigation, an experiment which proved a failure. As early as the year 1840 Hungarian legislators began to consider the question of making a canal at Pest between the Danube and the Theiss. Need I say that to-day the canal exists only on paper. Richard Bright in his "Travels from Vienna through Lower Hungary" London 1818, also mentions this project.

from Szeged to Pest <sup>1)</sup>. Various attempts were made to cheapen and facilitate trade, as for example, that of Michael Clemens and Anton Guilian, who tried to combine the sailing-system with a primitive sort of chain-towing <sup>2)</sup>.

But this trade could not by any stretch of imagination be called international, as we can see from the following description by Richard Bright, who travelled through Hungary in 1815:

"The communication by water between the different parts of Hungary, and between Hungary and more distant countries, are subjects which have most deservedly occupied a great share of attention; but the numerous projects to which these speculations have given rise, have quickly fallen into neglect, either from the natural difficulties which have occurred in attempts to put them into execution, or from want of sufficient funds for completing projects, which, although, far from impossible in themselves, always require a large expenditure. Even the passage of the Danube to the Black Sea is still much embarrassed, both by the difficulty of navigation in some parts, and by the jealousy of the Turks; and several bold speculations, which have been entered upon by individuals, have proved unfortunate."

A considerable amount of trade was done on the Lower Danube in the 18th century, as we see in W. Wil-

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<sup>1)</sup> 1 centner—50 kilogram.

<sup>2)</sup> Article VII. of the Hungarian bill of 1807 gives a glowing picture of the Danube wine export: "*De vinorum evectione. Ad promovendum vinorum Hungaricorum commercium, Sua majestas clementer promittere dignata est, se curaturam, ut illud penes favores jam hactenus effective tributos permaneat, atque invectio vinorum Hungaricorum in Austriam per Danubium, evectio vero in exteras ditiones etiam per aquam, et quidem in casu posteriore sine obligatione ullam vini Austriaci quantitatem exportandi admissa sit. Imo Sua majestas sacratissima de eo quoque se providisse clementer declaravit, ut in vicem parati depositi, quod pro exportandis ad exteras oras vinis Hungaricis titulo consumptionis vectigalis deponendum erat, nonnisi sufficiens per evehentes cautio praestari possit, eademque per concernentia officia acceptari debeat.*"



## 120 STEAM NAVIGATION ON THE DANUBE TILL 1856.

kinson's "Tableau historique, géographique et politique de la Moldavie et la Valachie" Paris 1821, and in another anonymous work, entitled: "Essai historique sur le Commerce et la Navigation de la Mer Noire" Paris 1805. Interesting details about this subject are given in the works of Peysonnel, former French-Consul-General at Smyrna: "Traité sur le commerce de la mer Noire" and "Les peuples qui ont habité autrefois les bords du Danube et-du Pont Euxin."

## STEAM NAVIGATION ON THE DANUBE TILL 1856.

The first successful attempt to propel ships by steam was made by the Englishman William Symington on the Dalstwinton Lake in 1788. But no magnanimous patron could be found to finance this wonderful invention. The experiments of the two Americans, Evans and Fitch, met with the same fate. Another American, Robert Fulton, exhibited his invention on the Seine in presence of Napoleon in 1803, but he also was doomed to disappointment. In 1807 he repeated the trial on the Hudson River between New-York and Albany. Financial support was all that was wanting to complete the success of all those inventions.

It was left to Henry Bell to establish the first regular course of steam-ships on the Clyde in the year 1812. In the following year the first steamer sailed from Glasgow to Dublin across the Irish Sea. The first steam ship on the Thames appeared in 1814, and that on the Rhine in 1816. This ship left Rotterdam on the 7th of June and arrived in Cologne on the 12th. But a regular steam service was not introduced on the Rhine till the year 1825.





## 122 STEAM NAVIGATION ON THE DANUBE TILL 1856.

tion to the distance, as any others in this country, and those of the Steam boats taken collectively are the highest that could have been selected. The ordinary speed of steamboats in tide waters or those of but little current is from 8 to 10 miles per hour; they ascend the Mississippi at a rate of from 5 to 7 miles an hour against a current of about four knots."

"In some parts of the country the steam boats are used for towing other vessels laden with merchandise, this method of using them for transportation must undoubtedly be found more advantageous than any other particularly on shallow or rapid streams, as the boat carrying the machinery does not require to be so large or expensively built, and those that are towed after it being the common flat bottomed boats or some other kind of cheap construction."

The Imperial Royal Committee on Commerce in Vienna announced on the 11th of November 1817 that

"any concern using a proper and accepted form of steam-ship on the Danube would have for 15 years the exclusive right to trade on that river and all its tributaries, also from any one point of the monarchy to any other, with the purpose of opening up a connection with the Black Sea." (Articles 1 and 2).

A similar announcement made in 1813 had no effect worth mentioning. This privilege to trade on the Danube was granted to Anton Bernhard in 1817, and to St. Léon in 1818, but it was afterwards withdrawn, because neither of these two gentlemen had the capital necessary to make the undertaking a success.

Quite apart from this announcement, and independent of it, the American engineer, Israel I. Richartson of Baltimore, wrote Prince Metternich on the 25th of August 1818 asking him if he would grant him a patent for his "Improved Rotary System Engine" and appoint him superintendent of Austrian Steam Navigation. Though his proposal was not accepted, it is nevertheless interesting for the description it gives of Austrian river navigation:

"They are now in Austria trying very hard to introduce steamboat navigation, and the government grants every possible encouragement, but by what I have seen of their efforts, and comparing them to the steamboats in this country, it appears to me, as is very natural, that a great deal of money and time will be waited by experiments, as is always the case with new establishments, before they attain the perfection they have in this country."

"The vast Austrian Monarchy is so richly favoured by a number of navigable streams and rivers, and the quantity, and number of valuable products of the soil, is so immense that a steamboat navigation, would give invaluable advantages to the enterprisers themselves, and to the community in general, that I can boldly assert, to be for Austria, of the very highest importance."

"If you will be pleased to consider only the Danube, which has a navigable extent of 2000 English Miles from Ulm to the Black Sea, what a benefit would it be, to introduce a quick and cheap conveyance for all the produce of those provinces, which are watered by this first river of Europe. What a commercial and military benefit would it be for Austria, if steamboats were established, which would perform the voyage from Semlin to Vienna in  $3\frac{1}{2}$  or 4 days, and from Vienna to Ulm in  $2\frac{1}{2}$  or 3 days, as usually performed by steam boats in the U. S., which is an allowance of 3 English miles per hour for the current of the Danube."

In 1829 the British ship-builders, John Andrews and Joseph Prichard, acquired the above-mentioned privilege for 15 years, and on the 24th of January 1829 they published the following circular in Vienna <sup>1)</sup>:

"The signatories have come to Vienna with the purpose of founding a steam-ship company on the Danube. They have good reason to believe that the knowledge and experience they have elsewhere acquired preeminently fit them for that purpose. They are not only going to start the movement, but are also to invest capital in it. But as the enterprise calls for considerable funds, they think it best to invite those willing to take shares to sign a declaration, which shall only be binding, if and after the requisite number of shareholders has been found."

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<sup>1)</sup> The other riparian states, viz. Bavaria, Würtemberg, Russia and Turkey had done nothing to further navigation on the Danube, till in 1836 Bavaria and Würtemberg united in forming a Danube Steam Navigation Company.



"The conditions are: I) There shall be founded a Joint-Stock Company for the establishment of steam-navigation on the Danube, according to the proposal, and under the management of Messrs Andrews and Prichard, which company shall be controlled and administered by the committees mentioned in the following §§ 5 and 6. II.) The funds of the enterprise shall be provided by the subscribers who agree to take a total of 200 shares at 500 Florins, each. III.) The whole of the paid-up share capital is to be deposited with a wholesale firm, to be named later on. IV.) The possession of 5 shares carries with it the right to vote, but the possession of more than 5 shares does not give the right to more than one vote. V.) As soon as the whole number of shares has been taken up, the possessors of 5 shares and over shall chose a committee, which shall draw up a "Declaration of Association", and settle the relation of the company to Messrs Andrews and Prichard. VI.) This committee will form a sub-committee of 5 members, whose duty shall be, to control the building of ships, to use the funds and the ships constructed to the best advantage, and in the name of the company, to consult the government if and when necessary."

"The subscribers believe that this is the simplest and shortest way to attain the object they have in view, and invite shareholders to take part in the movement, and mention the number of shares they would like to take up. Signed Andrews and Prichard (holding 10 shares). The following gentlemen have already signed the circular and have agreed to take 15 shares amongst them: Prince Ferdinand, Archduke Joseph, Archduke Ferdinand d'Este, Prince Metternich, Count Revitzky."

This circular had the desired success. The 200 shares were soon taken up. Most of the subscribers added that there should be no joint liability, and that no additional payments should be at any time demanded <sup>1)</sup>. The first meeting of the shareholders for the purpose of constituting the company was held on the 13th of March 1829. It was decided to acquire a ship-building yard on the bank of the Danube in Erdberg (near Vienna) and to build a steam-ship of 60 H.P. under the superintendence of Messrs Andrews and Prichard, and to hire this ship, which was to be named after the Emperor Fran-

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<sup>1)</sup> There were very few Hungarian subscribers.

cis I., to Messrs Andrews and Prichard. The company was called: "First Austrian Danube Steam-Navigation Company". ("Erste österreichische Donau Dampfschiffahrts Gesellschaft" <sup>1)</sup>). The privilege given to Messrs Andrews and Prichard on the 1st of September 1829 was transferred to the Company on the 17th of September 1830, for Austrian waters, and, on the 22nd of April 1831, for Hungarian waters.

The trial trip of the Francis I. took place on the 17th of September 1830. The secretary of the Company in his annual report to the shareholders covering the year 1830, speaks in glowing terms of the success of the trial trip:

"What we have seen with our own eyes, together with the opinion of the experts, confirms us in our belief that no vessel could be better constructed. The trip from Vienna to Pest in 14 and a half hours, and the return trip in 48 hours 20 minutes, a distance of nearly 500 kilometres (each way) is a proof both of the rapidity of the river and of the excellence of the vessel...."

Although the trial trip took place in September 1830, a regular service of steamers was not introduced till February 1831, and then only with one ship, Francis I. The first working-year was an unfavourable one, in consequence of the cholera then raging in Hungary, and because the impassable ford at Gönyü (near to Győr) hindered the traffic. Accord to the official report

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<sup>1)</sup> On the 12th of February 1843, when the company came under government control Prince Metternich sent this report to the Emperor. "... In 1830 the Danube Steam Navigation Company was registered in accordance with the "Partnerships and Companies Act" without having got the sanction of the government. The Court Chancery did not even know of its existence till the company wrote asking for permission to name a ship after the Emperor...."



of the company the total drawings, and not as Baicoianu says (p. 30<sup>1</sup>) the net proceeds, for the year amounted to 9000 Florins. The Francis I. called at Pest 15 times and at Moldova 4 times, that year.

The report to the shareholders in the following year states, among other things, that

"any doubts that may have prevailed that the Danube was and is not a suitable river for steam-navigation, and that it could, under no circumstances, be a paying concern, have been swept away. But the object of the enterprise has not yet been attained, because one ship is insufficient. If Austria wants to trade on the Danube successfully, she must have ships that are both fast and safe."

The meeting resolved to have two new ships built, of 38 and 50 H.P. respectively. The contract was given to the British ship-builder Ruston, who came to Vienna to carry it out. The machinery was furnished by the British firm Boulton and Watt in Soho (near Birmingham).

The committee estimated the cost in the following way:

"It is said that a ship-builder in England charges £ 19 per ton, but besides that, we must reckon the expenses for joinery work, fittings, painting etc. Therefore we believe that an estimate of £ 16000.— for the two ships weighing together 405 tons is a correct one, for the price in London would be:

for two ships without fittings . . . . .	£ 7733
machinery . . . . .	" 6500
painting, fittings, anchor, cable etc. . . . .	" 2000
	<hr/> £ 16233."

An energetic patron of the Danube trade appeared in 1832 in the person of Count Stephen Széchenyi. Széchenyi, the creator of the Academy of Science at Pest, the builder of the first permanent bridge between Buda

<sup>1</sup>) "Le Danube", Paris 1917.

and Pest <sup>1)</sup>, the pioneer of civilization in Hungary, the "greatest Hungarian", as he is called by his grateful posterity, was, at the beginning, an apathetic onlooker, but afterwards became a whole-hearted supporter of the movement. He was a great believer in British culture; he visited France, Belgium and Great Britain several times, and employed mostly British firms and British experts in carrying out his plans. His talents and achievements were acknowledged also by his government, which appointed him royal commissioner for navigation on the Danube.

The following extract from his report of 23rd October 1833 to the Elector of Hungary gives us a pretty fair idea of the shipping trade at that time:

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<sup>1)</sup> Richard Bright's description of how the people of Buda communicated with those of Pest, and vice-versa before the building of the bridge is both interesting and amusing: "Pest and Buda, as it is otherwise called, Ofen, form almost one city. . . . They are separated by the Danube, here seen in all its majesty, over which is an easy communication by a bridge formed of forty-seven large boats, united by chains and covered with planks. The length of the bridge is nearly three hundred yards, and it is so constructed that two or three boats, with their planks and railings, may at any time be removed; and every morning and evening, at stated hours, the vessels and the rafts of timber which navigate or float down the Danube, are permitted to pass. At the approach of winter, however, large bodies of ice render it necessary to remove the bridge entirely; and for a period no communication exists between the two banks of the Danube, till the whole is so completely frozen over as to afford a secure passage over the ice."

"To give some idea of the number of passengers upon this bridge, it may be stated, that the annual rent paid by the receiver of the tolls is 37.700 Florins; and this sum, together with the expenses of furnishing a secure passage, when that can only be effected by boats, is to be repaid by the toll of a few kreutzers, payable by the peasantry alone, for all the nobles and citizens are exempt." (See p. 116).



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"Your Highness approves of the idea of trading on the Danube as far as the Black Sea even now before the tow-path is in order. I therefore, some days ago, consulted the managers of the Steam Ship Company, to hear their opinions on this subject. They were all inclined to give this daring proposal a trial, but they were unwilling to sacrifice the now assured interests of the company, in the expectation of a very questionable profit."

"Passenger traffic from Győr to Semlin and back through Pest is now getting brisk, so that there will be a total profit of 12 to 15 %. But the prospects on the Lower Danube are uncertain, because of the high price of wood and the entire absence of coal there. Further there is no Austrian consul at Galatz to protect our interests. . . . So the question arises: Is the government prepared to encourage financially and morally the making of an European canal on the lower part of the Danube? To do this the government would have to make the following concessions: 1) The present 15-years privilege must be extended to 25 years. 2) Riparian townships must provide the company's landing places with gangways and planks. 3) Certain regulations relating to Hygiene and the administration of the towns have to be altered. 4) The safety of persons and goods in Servian, Wallachian and Turkish waters has to be assured. 5) The government must declare that it is in favour of steam-shipment. 6) A supply of coal and wood must be assured for a number of years, to be taken from government property, in those places, where it is abundant but not worked."

"A compliance with the first point could not harm anyone, not even the state. The company could then invest capital with more security. The second, third and fourth points have also to be recommended and advocated. Should the government agree to the fifth point, they would inspire the public with confidence, because the general opinion is, that the whole venture is a leap in the dark by anglomaniacs, imbued with a longing after new departures. The granting of the sixth point is a *sine qua non* to the success of the enterprise. If these points are conceded now, the company could by the year 1834 begin the trade with Constantinople. The company would maintain a regular service with its 3 steamers and it would be possible to have vessels in readiness at the mouth of the Danube for the trip to Odessa, Constantinople etc. . . . I may add that coal and wood are to be found in abundance near the Wallachian-Illyrian frontier. There are coal-fields in the region of Tissovitz, which have never yet been used. . . . Your Highness alone can carry out this project successfully; should it be allowed to get into the bureaucratic rut, it is lost for ever. I admit that what the company asks is no small thing, but it is indeed small compared to the impor-

tance of a direct connection with the Black Sea.... October 23rd, 1833. Count Széchenyi m. p. <sup>1)</sup>).

The Court Chancery agreed to Széchenyi's proposal and extended the duration of the privilege of the company till 1855.

But the Count's efforts did not end with this report. He seized every opportunity to inspire the shareholders of the company with the necessary enthusiasm. On the second of December 1833, at one of the meetings he spoke as follows:

"The present is a very favourable time for extending our trade into Turkish territory. The company must be prepared to make what sacrifice is demanded of it. At least one ship must be reserved for trade on the Lower Danube. For this purpose the capital of the company must be increased. This can only be done by a new emission of shares. Three steamers are quite unable to cope with the trade as far as Moldova, to say nothing of the Black Sea. The company would then be an international one. It is also absolutely necessary to have regular intercourse with Vienna. For this purpose the river must be dredged. The Elector of Hungary has charged me to buy for the Hungarian government a number of dredgers, when I go to England. This will spur on the Austrian authorities to follow suit. If the rocks at Orsova were blown up, the steamers from Vienna could sail as far down as Galatz, Ismail etc. The cataracts at the Iron Gates have been sounded, and there is no doubt that steamers which do not draw more than 5 feet of water can pass through with safety. Should the waters be too shallow the steamers would go only as far as the cataracts, and the voyage could be continued by rowing boats...."

About Széchenyi's trip to England C. V. Suppan writes: "He sojourned four months in England. All his life long he was an enthusiastic admirer of the economic, technical and political institutions of that country. Whereas the Austrian nobility were more inclined to sympathise with Russia, the home of conservatism, Széchenyi found in no country except in England wealth and freedom in its best sense, a cul-

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<sup>1)</sup> Reports which the Elector of Hungary sent to the Emperor, dealing with the abolition of river-tolls and with the possibility of removing all barriers to navigation at the Iron Gates show that he was an ardent supporter of river trade.



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tured aristocracy, and a self-conscious and hard-working people, such as he would have desired to see in his own country."

Count Széchenyi let no opportunity pass to encourage people to take up shares in the Company; he even won over to his side mighty potentates, including Prince Milosch of Servia and the King of Bavaria <sup>1)</sup>.

He kept making propaganda in the form of essays in the literary magazine "Társalkodó". As these essays are very characteristic of the state of navigation on the Danube at that time, and (as far as I know) they have never been mentioned in any German or Hungarian works on the Danube, I shall now give a few extracts from them <sup>2)</sup>:

"August 20th 1834. . . . Also I was invited in 1829 to take part in the establishing of the steam-ship company; but, at that time, I was very sceptical, and my pride or vanity, call it what you like, would not allow me to have my name associated with such a questionable enterprise. But Baron Johns Puthon's excellent defence of the undertaking has forced me to change my opinion. I now see a great future for steam-navigation in our country. I confess therefore, that I am a neophyte in this matter. . . . The firm Boulton and Watt asks-if I mistake not-nearly 25 % more for the machinery for the steamers than any other firm in the world. This circumstance increased my confidence in the concern, for I am, as a rule, no friend of cheap goods. I will not say that the dearest goods are always the best, but in England, the land

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<sup>1)</sup> In his essay dated 26th May 1835, he writes: "In the month of December 1833 I travelled through Germany. . . . The Princes of Bavaria and Württemberg at my instigation became shareholders in the company.

<sup>2)</sup> The essays are found in the book: "Ueber die Donauschiffahrt" ("About Danube Navigation"), translated from the original Hungarian into German, by Michael v. Paziazi, Buda 1836. "International interest in the Danube was first excited by the English. Count Széchenyi was also an untiring supporter of this enterprise. That his essays might be of more service to the English, I have translated them into German, a language more widely known than Hungarian." (Taken from M. v. Paziazi's Preface to the translation).

of publicity, and intellect, we may be sure that the dearer goods are the better they are. In 1831 the company hired the steamer Francis I. to Mr. Andrews — if I remember correctly — for 12,000 Florins. There are people who ask why the company had the steamer built by a foreigner and not by a local man. In reply to those people I answer that the building of the steamer needed a man, who knew his work, and we had not such an expert in that line.... We hired the steamer to a foreigner simply, because we ourselves had not the necessary experience" <sup>1)</sup>.

"August 23rd, 1834.... Political reasons forbid my now discussing certain very interesting things about Danube navigation....<sup>2)</sup> From Moldova to Skela Gladova, a distance of about 14 miles, the Danube is not navigable; both passengers and goods have to be forwarded by rowing boats. Therefore, as Francis I. trades only between Pressburg and Pest, the goods must be transferred 3 times into another ship between the former town and Galatz...."

This is what the Count says about his trip to England: "When I arrived at Calais, the storm had been raging so furiously for some days that ships could neither sail in nor out of the harbour. Intending passengers besought the captains, who however, were immovable. In the evening a ship suddenly appeared amongst the foam, making its way into the harbour. The captain declared that he would again set sail the following morning. In order to calm the minds of the shareholders and others, I may say that the machinery of this ship was built by the firm Boulton and Watt, the same firm that supplies our machinery. I prefer this firm, because, when they supply machinery, they also send a plan of the ship with it. In this way it is possible to build a ship of the exact dimensions...." <sup>3)</sup>.

"September 6th, 1834.... We know that the shares of the Upper-Rhine Company did not bring any dividend the first few years, and

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<sup>1)</sup> In the following year this steamer together with the newly built 38 H. P. one was hired for 19000 Florins, also to Mr. Andrews. In 1835 the Company stopped hiring the boats and managed the traffic themselves. They also formed an insurance fund of their own.

<sup>2)</sup> Széchenyi is evidently thinking of Metternich's plan, to increase Austria's political influence in Turkey by means of an improved organisation on the Lower Danube. At the meeting of the company on 31st January 1834 Metternich gave to understand through the mouth of Baron Ottenfels that he laid great stress upon Danube navigation.

<sup>3)</sup> The firm Boulton and Watt was apparently well known at that time because in 1818 Mr. Perez the patron of I. Richartson (p. 117) recommended it to the Austrian government.



that they fell 50 % in price. But the service has now been so well arranged that shares are not to be got. . . . We declared a dividend right from the start, although we were in a more precarious situation than the Germans on the Rhine, which is the centre of civilization. . . . The most difficult part of the Danube to navigate is between Moldova and Skela Gladova, 14 miles; the up-trip here costing the company more than 100 miles cost on any other part. It is the duty of the State to put this part in order. . . ."

In his essay of 7th September 1834, the Count occupies himself with the opinions of conservative opponents of steam navigation on the Danube, opponents, who pretended to be very much concerned about those whose existence would be destroyed by the innovation: "When in 1767, in England, it was proposed to extend the causeways from the metropolis to the other parts of the country, the districts situated near London presented petitions to parliament against this plan. They asserted that the out-of-the way places, where wages were lower, could offer their products cheaper than they could, and in this way, their industry would be ruined. . . ."

Széchenyi was no optimist in regard to goods-traffic on the Danube, In the same essay he says:

"What articles have we got to export? Wood, grain, wine etc? these are cheaper on the Lower Danube than here. But someone may say that we have also got iron, glass, cloth and such like? To that I reply that we do not produce large quantities of those articles, but the wide-awake Englishman is already to be seen at the mouth of the Danube disposing of such wares."

The following essay which gave rise to a protracted newspaper warfare, tells us about the situation of the tow-path on the Lower Danube:

October 13th 1834. . . . "I considered it necessary to again inspect the situation on the Turkish Danube personally. For that purpose, I boarded the steamer „Argo” on the 6th inst. in Skela Gladova (two miles below Orsova). Nobody could remember such a drought as then was, neither had anyone ever seen the river so low. Therefore we sailed very slowly, and sent out boats to inspect the dangerous places, because, there was, as yet, no map of the river in existence. We had first to sail between the pillars of the Trajan bridge, a very difficult task, owing to the shallowness of the water. At Argulgrad we ran aground and could not get afloat again, not even after 24 hours. . . . When the

water is low, you can see 6 sand banks between Berzaszka and Skela Gladova.... The rocks at the Iron Gates cover a breadth of about 1000 metres and extend down the river to a distance of 1500 metres. About 180 blasts of powder would be required to blow up one and a half cubic metres of rock. Allowing 3 blasts a day to one man, that would mean 60 days work for one man. If 1000 men were, to work without stopping, they would be able to blow up one and a half cubic metres of rock. Such a task appears more disadvantageous than useful, and we may be glad that it is impossible" <sup>1)</sup>.

December 9th 1834.... "Neither the Wallachians nor we have ever done any trade worth mentioning from Semlin downwards; the whole trade is exclusively in the hands of the Turks. The obstacles in the way of navigation are therefore more against the Turks than against us. The Turks, however, have done nothing to remove these rocks, and thereby improve their trading facilities. The Iron Gates were to them, not an obstacle, but a strong defence of their national existence" <sup>2)</sup>.

December 11th 1834.... "The new steamer Maria Dorothea made the trip from Constantinople to Smyrna in 34 hours...."

In regard to Metternich's political intentions Széchenyi writes: "The Prince of Servia is interested in the question of Danube navigation, and I have good reason to believe that he is ready to cooperate with us."

January 16th 1835.... "The weekly trip of the Maria Dorothea from Constantinople to Smyrna was to be stopped by the Turkish government, but the dispute was settled by the aid of the Russian ambassador.... In the month of April last year an English steamer appeared in the Black Sea, a sign that the English were alive to the importance of that trade, and bent on having part of it, but the English company declared that the Maria Dorothea had the start of them, and it would be better to try to come to terms...." <sup>3)</sup>

The general meeting of the Austrian company in 1835 also discussed the competition of England with its two steamers "Levante" and "Crescent". At that meeting the committee made the following report:

<sup>1)</sup> These words of Széchenyi's are rather ambiguous. In his essay of 26th May 1835, he explains that he meant that the Danube could not be used to irrigate the adjoining country.

<sup>2)</sup> This remark bears out what we said about the slothful Turk on p.11.

<sup>3)</sup> In 1835 the English steamer "Levante" was also trading on the same route in cooperation with the "Maria Dorothea."



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"Navigation below the Iron Gates is not yet expedient; it is, too, of secondary importance. If the goods destined for Odessa could be put under seal by the Russian authorities in Vienna, they could be conveyed straight on without any more ado."

This petition of the company, supported by the Austrian Foreign Office, was refused by the Russian government.

March 28th 1835.... <sup>1)</sup> "From Pressburg to Sulina is a distance of nearly 240 miles by water, and only steamers, drawing not more than  $2\frac{1}{2}$  feet of water, can pass this way. Between Kozla and Zsidostica, a distance of 10 miles, the depth is only  $1\frac{1}{2}$  feet, but the current is so strong, that no ships are able to stem it. Therefore we see that the Danube between Pressburg and the Black Sea is of no commercial importance to Hungary, in view of the fact that trading ships draw at least 5 feet."

June 16th 1835.... "On the 22nd ult. I travelled by the "Pannonia" <sup>2)</sup> from Pressburg to Vienna, to see with my own eyes, whether this part of the river was suitable for navigation. The rapidity of the current is so great that only steamers of exceptionally high horse-power can make any head-way against it. The river is very shallow here, the bends are very sharp, and the swiftness of the current is more than 1500 metres an hour.... There is not a single spot on any part of the river in our country, where ships could seek shelter from the storm; neither is there a safe harbour anywhere. Furthermore, as far as I know, we have not got one single sailor of our own whom we might call efficient.... We are at present dependent on England for steamers, even although we know that the United States of America lead the way in river navigation. But our former connection with England, its nearness to us, along with other reasons render it impossible for us to shake off Albion's yoke.... In the coming spring we shall be in the lucky position of having no less than 6 ships of our own, viz. Pannonia (36 H. P.) and Nádor (40 H. P.) trading between Pressburg and Pest <sup>3)</sup>, Francis I. (60 H. P.) between Pest and Kozla; Argo (50 H. P.) on the Wallachian

<sup>1)</sup> "The governor of Odessa, Count Woronczew, had two steamers built, and offered to enter into trading relations with our society. In this way a connection between Pressburg and Smyrna would be set up, and the mistaken idea that the Russian government looks upon our enterprise with jealous eyes would be dispelled."

April 29, 1835....

<sup>2)</sup> The net proceeds of this ship were 20.000 Florins in the first year.

<sup>3)</sup> At that time Buda and Pest were still separate towns.

Danube; Ferdinand (100 H. P.) between Sulina and Stambul and Maria Dorothea (70 H. P.) between Stambul and Smyrna...."

July 1st 1835.... "It is a well-known fact in physics that the less powerful ships incline to rise towards the surface owing to the cohesion of the water.... The same natural phenomenon is to be seen in England, where boats are drawn by horses on several canals. When the horses walk at a slow pace, they have to exert far more energy than when they gallop...."

The following excerpt will prove the imputation that Széchenyi was an anglomaniac, groundless:

".... The United States build faster steamers than England does, and that is why America holds the first place in the ship-building line.... All-foreseeing England, which is always wise enough to accept improvements, refuses, in this case, to imitate America.... Haughtiness is here incompatible with intelligence.... Even if we had ordered our engines from America, we could not have given up the shares in our own company, because the public are prejudiced against the American engines. The American ship-builders are so busy that we should have had to wait at least a year for the execution of our order. It is also possible that the English would have been against our dealings with Russia and Turkey, if we had placed the order elsewhere.... The American engines are fitted with high pressure, those of England with low. .... The advantage of the former consists in their rapidity, that of the latter in their safety...."

In the essay of 28th September 1835 Széchenyi narrates that the new steamer "Zrinyi Miklós", called after the wellknown Hungarian poet and warrior who fought against the Turks, accomplished the trip from Vienna to Pressburg in 3 hours, and on the following day sailed from Pressburg to Pest without cargo in 13 hours...."

On the 27th of September of the same year Széchenyi travelled with this new steamer (80 H.P.) from Pest to Semlin in less than 31 hours. He reports that there were also four English passengers on board. The pilot was a Hungarian, the captain a German from



Mainz, and the engineer an Englishman from Birmingham <sup>1)</sup>).

The essay of 24th March 1836, a gist of which is given below, says that the original capital of the Austrian Danube Steam Navigation Company will be increased to 1.050.000 Florins, by the emission of new shares."... Württemberg and Bavaria have also united to form a steam navigation company to trade on the Danube..."

In his essay of 23rd June 1835 Széchenyi proposes to establish a ship-building yard on the island at Pest, which is at present let for 126 Florins a year. He is prepared to undertake the business himself, and is more confident of success than "Lord Londonberry who lost the whole of his enormous fortune by the building of a harbour" <sup>2)</sup>).

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<sup>1)</sup> That English captains were preferred by the Danube Steam Navigation Company is evident from a petition sent by the company to the Court Chancery to have English captains on the "Maria Dorothea" and the other sea-steamers, as the local men were lacking in knowledge and experience. The following is a copy of a contract signed by the English engineer Mr. John Armstrong at the Austrian Embassy in London: "Mr. John Armstrong having presented himself at the Imperial Embassy and having declared his readiness to undertake the service of Engineer in the Imperial Steamboat the Maria Anna under the following conditions; 1st that he is to receive £ 14 a month wages, 2nd that on account of the amount of money which he is to receive for living and beer an agreement shall be made with him after his arrival at Triest, 3rd that his travelling expenses from London to Triest be paid by his Employers, 4th that Mr. Armstrong oblige himself to enter the service for at least one year from the date of the beginning of the actual service, and that he is not to leave it unless he have given three month notice of his intention to do so. These conditions have been agreed upon by the Imperial Embassy and by Mr. Armstrong. London the 6th of April 1836."

<sup>2)</sup> In 1837 an application signed by Széchenyi on behalf of the "Port of Pest Company" ("Pester Hafengesellschaft") was sent to the Court

Another proof of Széchenyi's zeal for the success of the Danube enterprise is given in the protocol of the general meeting of the company in 1837:

"A new 80 H. P. steamer, named "Árpád", 180 feet long, had been completed at the Ó-Buda dockyard <sup>1)</sup>, but, owing to the lowness of the river, it could not be launched. In the beginning of October of the same year there was a heavy fall of snow, followed by a sudden thaw, which occasioned such a rise in the river, that the new ship could be launched with safety. The "Árpád" sailing at a great speed had just got as far as Pressburg, when the water suddenly fell, and the captain showing great skill, dexterity, and presence of mind, wheeled the vessel round, but all too late. She ran aground at Vajka, just below Pressburg. All attempts to float the ship were in vain, till the steamer "Nádor" came along, and, with the help of 50 horses, pulled her on to her keel again. Count Széchenyi, impelled by his great interest in steam-navigation, took part in the expedition. He never left the ship during the fateful 8 days she lay on the sand. His brave example encouraged everybody, and his influence with the riparian authorities soon brought the necessary help."

Count Széchenyi was a staunch supporter of Danube Navigation till his death.

The Bavarian-Würtemberg Steam Navigation Company, mentioned in Széchenyi's essay of 24th March 1835, was founded at the instigation of Louis I. of Bavaria. On the 25th of November of the same year, the following contract was concluded, amalgamating this company with the Austrian company:

Chancery for permission to build a harbour at this island, but the application was refused. This was not the present Marguerite-Island, but one lower down, which disappeared after the inundation of 1838.

<sup>1)</sup> The dockyard mentioned in the minutes of the annual meeting of 1837 was established in Ó-Buda under the patronage of the Elector of Hungary. A winter harbour was also built at the same place. At first only wooden ships were built there. In 1840 the first iron hulk was built and fitted to the steam tug "Samson", so as to be better able to successfully contend with the ever increasing trade. It was the presence of the dockyard in Ó-Buda that led to the opening of the first school of boatmen. ("Ó" in Buda is the Hungarian word for old). .



"Agreement between the Imperial Royal Austrian First Privileged Danube Steam Navigation Company and the Bavarian Würtemberg Privileged Danube Steam Navigation Company about the introduction of steam navigation on the Upper Danube."

"The following contract whose object was to introduce, as far as possible, an uninterrupted and a regular steam navigation service all along the Danube, for the benefit of the European public, was agreed on between the Administration of the I. R. A. F. P. D. St. N. C. and the deputation sent to Vienna by the B. W. P. D. St. N. C."

"Art. I. With regard to the very difficult task of removing the most serious opposition to the introduction of steam navigation on the Upper Danube, and for the purpose of supporting this utilitarian enterprise with all its heart and soul, the I. R. A. F. P. D. St. N. C. which, on the 1st September 1830, was granted the sole right of trading on the Upper Danube, concedes to the B. W. P. D. St. N. C. a similar right to trade on the same river from the Bavarian frontier as far as Linz." (in Upper Austria).

"Art. II. The two contracting parties oblige themselves to take special care to supply the necessary number of steamers to ply from Regensburg (Ratisbon) downwards on the one side, and from Vienna upwards via Linz on the other side, and that a regular and uninterrupted service be organized."

"Art. III. If either of the companies shall have its steamers sooner ready than the other, then that company shall have the right to trade all the way from Vienna to Ulm, until the other company declares that it is able and ready to undertake the service on its own part of the river."

"Art. IV. This agreement does not exclude a future closer union of the two companies, it is on the contrary, meant to act as an incentive to the two societies to unite as soon as is practicable."

"Art. V. This agreement shall not be binding on the Austrian Company after the expiration of its monopoly, as it is expressly stipulated that the Bavarian-Würtemberg Company shall introduce a regular service of ships as far as Linz within two years from the signing of the contract. In case of nonfulfillment of this last clause the Austrian company shall be entitled to consider the contract as repudiated."

Vienna, November 25th, 1836.

This contract was a failure owing firstly to the inefficiency of the Bavarian-Würtemberg Company and secondly to Austrians' lack of interest in the Upper-Danube trade. In 1846 the Austrian Company did its

utmost to have this contract repudiated; and in this it got the approval and support of the Austrian government <sup>1)</sup>).

On July 17th 1836 the Austrian Emperor organized a new central or head office for all affairs connected with navigation. The First President was Prince Metternich, the Vice-President Baron Ottenfels. The Emperor's object was three-fold. Firstly to simplify and expedite the management, secondly, to keep the riverbed in navigable condition, and thirdly, to give a much-needed impetus to the development of navigation. One of the first acts of this new Head Office was to re-build the river bridges to meet the requirements of the new system of navigation.

The appended list shows the takings of the different ships for the year 1836:

Pannonia	in 40 trips . . . . .	43,373 Florins.
Franz I.	„ 19 „ . . . . .	32,238 „
Zrinyi	„ 5 „ . . . . .	3,040 „
Argo	„ 18 „ . . . . .	5,871 „
Maria Dorothea	„ 48 „ . . . . .	1,848 „
		<hr/> 86,370 Florins.

The following copy of the time and freight table of 1836 is given to illustrate the situation:

Passengers and Luggage conveyed by the First Imperial Royal Privileged Danube Steam Navigation Company.

The steamer *Nádor* 42 H.P. (Captain Rau) plying between Pressburg and Pest.

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<sup>1)</sup> On the opening of the Ludwig Canal in 1846 the shares of the Bavarian Württemberg Company were taken over by the Bavarian government. Austria's connection with the Bavarian Danube was stopped in the same year, and was reestablished in 1850.



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The steamer Zrinyi 80 H.P. (Captain Mayr) and the steamer Franz I. 60 H.P. (Captain Pohl) plying between Pest, Semlin and Drenkova.

The steamer Argo 50 H.P. (Captain Premuda) and the steamer Pan-  
nonia 36 H.P. (Captain Clician) plying between Skela Gladova,  
Rustsuk, Giurgevo and Galatz.

The steamer Ferdinand 100 H.P. (Captain Everson) plying between  
Galatz and Constantinople.

The steamer Maria Dorothea 70 H.P. (Captain Ford) plying between  
Constantinople and Smyrna.

A. Passenger tickets between Pressburg, Pest, Semlin, Orsova and  
Skela Gladova.

To find out from the table the amount of the down-fare, place a  
ruler horizontally immediately under the name of the place from which  
the passenger starts. Look to the right for the column showing the place  
of destination, and the sum of money mentioned right above that name  
is the sum looked for, e. g. from Pressburg to Gran, the fare is 6,30 Flo-  
rins 1st class, and 4,20 Florins 2nd class; from Comorn to Pest 4 Flo-  
rins, and 2,40 Florins. The amount of the up-fare is found by reversing  
the process. Place the ruler under the name of the place you want to go  
to. Find out on the left the column containing the name of the starting-  
point, and the up-fare is seen immediately above, e. g. from Gran to  
Gönyü 1st class 1, 20 Florins, 2nd class 1,— Florin. (See tables on  
pages 142—143).

Children under 10 years half price. Passengers allowed 60 pounds of  
luggage free, but excess luggage must be paid for both up-stream and  
down:

between Pressburg and Pest	1 Kreutzer per lb.
„ Pest and Semlin	„ „ „ „
„ Semlin and Drenkova	„ „ „ „
„ Drenkova and Skela Gladova	„ „ „ „
„ Skela Gladova, Rustsuk and Giurgevo	„ „ „ „
„ Rustsuk, Giurgevo and Galatz	„ „ „ „
„ Galatz and Varna	„ „ „ „
„ Varna and Constantinople	„ „ „ „

Refreshments supplied at moderate prices. Passengers name and ad-  
dress to be clearly and distinctly written on the luggage, to prevent  
mistakes. Passengers' valuables are stored, by order of the steward, in  
safe places. Every passenger must see to it himself that his property is  
returned to him. On both the down and up trips passengers and goods  
are conveyed between Drenkova and Orsova by the company's own  
well got up and well-manned boats, but between Orsova and Skela  
Gladova the journey is made over land. Information about the leaving

## STEAM NAVIGATION ON THE DANUBE TILL 1856. 141

and arriving of steamers is given at the offices and agencies. Administration and Head Office in Vienna Bauernmarkt 581.

Agent at Pressburg Herr J. B. Colloseus

„ „ Raab „ Jos Caneider

„ „ Comorn „ Franz König.

Steam Navigation Office:

At Pest Herr C. F. Nose

„ Neusatz „ F. S. Chrismar.

„ Semlin „ S. Neumann

Agent Moldova } „ A. Bandl in Weiskirchen.

„ Drenkova }

Steam Navigation Office:

at Orsova Herr Stoicovics .

„ Sk. Gladova „ Lehmann.

Agent at Nicopoli Herr Schobel

„ „ Giurgevo }

„ „ Rustsuk } „ Minko Bros.

„ „ Silistria }

„ „ Braila } „ Kraus & Co.

„ „ Galatz }

„ „ Varna „ Chr. Constandino

„ „ Constantinople „ Hayes Lafontaine

„ „ Gallipoli „ G. Zumble

„ „ the Dardanelles „ D. Xanthopulo

„ „ Mitylene „ M. Raimundo

„ „ Smyrna „ Hayes Lafontaine.

Already in 1839 the Austrian Danube Steam Navigation Company made great efforts to extend its trade, not only to the Black Sea, but also to the Mediterranean. The Smyrna-Alexandria route was opened in the same year.

In 1840 the promoter of the Austrian Danube Steam Navigation, Mr. Andrews, intended to found a Hungarian Steam Navigation Company with headquarters in Pest. About this plan the minutes of the meeting of the shareholders of the Austrian Danube Steam Navigation Company on the 28th of September 1840 only says: "Our opponent, Mr. Andrews, who knows all about our internal affairs, has sketched a plan



SEATS

I.		II.		I.		II.		I.		II.		I.		II.		I.		II.		I.		II.		I.		II.	
Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.
Pressburg				4	30	3	—	5	—	3	20	6	30	4	20	9	—	6	—	21	30	17	—	18	—	10	40
3	—	2	—	Gönyü §)				—	30	—	20	Comorn				1	30	1	—	4	—	2	40	16	30	4	—
3	30	2	20	—	30	—	20	Comorn				1	30	1	—	Gran				2	30	1	40	15	—	12	30
4	30	3	—	1	30	1	—	1	—	—	40	Gran				1	40	1	10	Pest				12	30	9	—
6	—	4	—	3	—	2	—	2	40	1	40	1	40	1	10	Pest				—	6	40	Ne	—	2	—	
16	—	10	40	13	—	8	40	12	40	8	20	11	40	7	50	10	—	6	40	Ne	—	2	—	10	40	16	30
18	—	12	—	15	—	10	—	14	40	9	40	13	40	9	10	12	—	8	—	2	—	10	40	16	30	4	—
19	30	13	—	16	30	11	—	16	—	16	40	15	10	10	—	13	30	9	—	3	—	10	40	16	30	4	—
20	20	13	30	17	20	11	30	17	—	11	20	16	—	10	40	14	20	9	30	4	—	10	40	16	30	4	—
21	—	14	—	18	—	12	—	17	40	11	40	16	40	11	—	15	—	10	—	5	—	10	40	16	30	4	—
23	—	15	20	20	—	13	20	19	40	13	—	18	40	12	20	17	—	11	20	7	—	10	40	16	30	4	—
31	—	20	40	28	—	18	40	27	40	18	20	26	40	17	40	25	—	16	40	15	—	10	40	16	30	4	—
35	—	23	20	32	—	21	20	31	40	21	—	30	40	20	20	29	—	19	20	19	—	10	40	16	30	4	—

Up-stream

§) Raab = Gvör.

## B. Passenger tickets between Skela Gladov

Skela-Gladova.	Seat		Stee- rage	Seat		Stee- rage	I		Stee- rage	Seat		Stee- rage
	I	II		I	II		I	II		I	II	
	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.
	4	30	3	—	1	30	6	—	4	—	2	—
	Vidin, Calafat						1	30	1	—	—	30
	Lom-Palanka											
	Rustuk, Guirgevo											
	Silistria											

to found a Hungarian Joint Stock Company, to cede to it his Hungarian privilege, and to furnish six ships for the purpose of exploiting the Danube in Hungary."

Documents in the Court Archives in Vienna prove that Mr. Andrews, after introducing his new up-to-date steamers, acquired, in 1840, a privilege from the government in Pest to trade on the Hungarian Danube. The Austrian Danube Steam Navigation

## SEATS

II.		I.		II.		I.		II.		I.		II.		I.		II.		
Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	
14	20	24	—	16	—	27	—	18	—	29	—	19	20	37	—	24	40	
11	20	19	30	13	—	22	30	15	—	24	30	16	20	32	30	21	40	
11	—	19	—	12	40	22	—	14	40	24	—	16	—	32	—	21	20	
10	—	17	30	11	40	20	30	13	40	22	30	15	—	30	30	20	20	
8	20	15	—	10	—	18	—	12	—	20	—	13	20	28	—	18	40	
sat	2	30	1	40	5	30	3	40	7	30	5	—	15	30	10	20	19	30
1	20	Semlin				3	—	2	—	5	—	3	20	13	—	8	40	
2	20	1	30	1	—	1	30	1	—	3	30	2	20	11	20	7	40	
2	50	2	20	1	30	—	50	—	30	2	50	1	50	10	50	7	10	
3	20	3	—	2	—	Moldova				2	—	1	20	10	—	6	40	
4	40	5	—	3	20	2	—	1	20	Drenkova				8	—	5	20	
10	—	13	—	8	40	10	—	6	40	8	—	5	20	Orsova		4	—	
12	40	17	—	11	20	14	—	9	20	12	—	8	—	4	—	2	40	
																	Skela Gladova	

Down-stream

Down-stream

Galatz and Constantinople.

Seat				Stee-		Seat				Stee-		Seat				Stee-		Seat				Stee-	
I		II		rage		I		II		rage		I		II		rage		I		II		rage	
Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.	Fl.	Kr.
14	30	14	20	7	10	24	—	16	—	8	—	25	—	16	40	8	20	55	—	38	40	16	20
17	—	11	20	5	40	19	30	13	—	6	30	20	30	13	40	6	50	50	30	35	40	14	50
15	30	10	20	5	10	18	—	12	—	6	—	19	—	12	40	6	20	49	—	34	40	14	20
7	30	5	—	2	30	10	—	6	40	3	20	11	—	7	20	3	40	41	—	29	40	11	40
4	—	2	40	1	20	6	30	4	20	2	10	7	30	5	—	2	30	37	30	27	—	10	30
Hârsova.				2	30	1	40	—	50			3	30	2	20	1	10	33	30	24	20	9	10
				Braila.								1	—	—	40	—		31	—	22	40	8	20
								Galaz.										30	—	22	—	8	—
												Varna.										20	—
																Constantinople.						14	—

Company complained about this to the Court Chancery in Vienna, and asserted that Mr. Andrews had been an employee of theirs, and had, through them, become rich, and it would be a commercial immorality to give him a privilege. If there was any invention worth adopting, the company was prepared to adopt it. The Court Chancery was also of the same opinion, and as the Emperor left the whole affair to the Chancery to decide, the privilege given to Mr.



Andrews by the Hungarian authority was withdrawn<sup>1</sup>).

To make all competition in the future impossible the Austrian Danube Steam Navigation Company decided to petition the Government to grant them the sole right to trade on the Austrian and Hungarian Danube till the year 1855. To substantiate their claim the company asserted that sea trade was not at all profitable, and threatened to give it up, if the desired privilege were not granted.

As Austria's sea trade was principally a means for developing her influence in the East, it was not surprising that Prince Metternich supported the petition. The Emperor formally refused to accede to the wishes of the company, but assured them at the same time, that special privileges would not be granted to any other similar company. The Emperor made two stipulations: 1) Freights must be reduced and must never be raised without government consent, 2) The trade on the Lower Danube must be maintained.

In 1845 the Austrian Danube Steam Navigation Company was forced to give up its sea trade, which had been a financial failure. In 1842 there was a deficit of 103,000 Florins <sup>2</sup>). The cause of this unsatisfactory state of affairs can be traced back to the hostility of

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<sup>1</sup>) On the 18th of December 1841 Mr. Andrews received a privilege to sail with his steamers on the Elbe and the Moldau. But he lost it again by the "Elbe-Act" of 1844. He claimed an indemnity from the Austrian government. But fortunately for this great pioneer of river navigation in Austria he was not spared to experience the humiliation of having his claim refused.

<sup>2</sup>) Trade on the Lower Danube also showed very unsatisfactory results, the route Skela Gladova-Galatatz being run at a loss of 89,087 Florins in 1842, of 54,868 Florins in 1843, and of 46,437 Florins in 1844.

the Turks, who, at different times, forbade their own people to make use of the steamers of the Austrian company. There may be some truth in the Ottoman assertion that the Austrian company was not a fair competitor. (Report of the Austrian Internuncio at Constantinople 22nd June 1842). But it is more probable that the decision of the Turks was influenced by the fact that they themselves had had, since 1840, a shipping concern on the same waters in which the Sultan and other high personalities were financially interested. The presence of the Austrian Lloyd and the English Oriental Company also contributed largely to the failure of the Austrian Danube Steam Navigation Company. The English ships "Shah" and "Spitfire" were trading on the same route before the Austrian steamers came <sup>1)</sup>.

The "Austrian Lloyd", founded on the 30th of April 1836 by governmental concession and patronized by government by means of subsidies etc. took over the sea trade of the Austrian Danube Steam Navigation Company, and, in 1845, bought over the 6 sea-going steamers belonging to the latter company for 560.000 Florins. The Austrian Lloyd undertook to maintain the traffic between Constantinople and Galatz, so as to

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<sup>1)</sup> Sir Stratford Canning, the British Representative at Constantinople was instrumental in bringing about a peaceful solution of the Austro-Turkish conflict. Prince Metternich, through the Austrian Ambassador in London, Baron v. Neumann, thanked the British government for the services rendered to the Austrian Company by their Emissary in Constantinople. Metternich's letter shows that he had a very sensible idea of the meaning of the freedom of the Danube. Unfortunately his deeds did not bear out his words.



keep up a connection with Vienna <sup>1)</sup>. At the same time the Russian Steam Navigation Company at Odessa sent one steamer as far as Galatz once a fortnight which often returned empty <sup>2)</sup>. As this was not a paying route it was stopped by order of the Czar in 1861 <sup>3)</sup>.

The quarrel with Turkey, together with the growing dissatisfaction of the shareholders of the Austrian Danube Steam Navigation Company, gave the Austrian government a very good excuse for looking more carefully into the affairs of the company. The result of the investigation was that the company was placed under the supervision and control of the Chancery on the 22nd of February 1843.

As a kind of compensation for the loss of its sea-trade, the Austrian Danube Steam Navigation Company on the 16th August 1846 received the exclusive right to trade on the Danube till 1880, in return for which, the company undertook to convey the mails for nothing.

It appears strange that the Vienna government gave a privilege to the Austrian Company, in face of the decisions of the Vienna Congress. This was quite contrary to the doctrines of international law, but might be justified by the desire to further river navigation, and

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<sup>1)</sup> The Austrian Lloyd at the desire of the Wallachian government extended this route as far as Braila in 1855.

<sup>2)</sup> From the opening of the new Russian route the Austrian government expected great things, thinking that the Russian government would, in this way, be more interested in the Sulina. It was a vain hope.

<sup>3)</sup> The confidential report of the Austrian Representative at Constantinople stated that the merchant fleet of Russia in the Black Sea and in the Sea of Azov consisted of 25 steamers, 19 of which were built in London.

also by the fact that the privilege was given at a time when the government was not bound by Treaties.

Strange as that may seem, the granting by the Emperor of an exclusive privilege to an already existing company in 1846 was still stranger, coming, as it did, on the back of Austria's Treaties with Great Britain and Russia in the years 1838 and 1840 respectively, both of which proclaimed the free navigation on the Danube for all nations. There is no doubt whatever that this action of the Emperor's was the reason why the Austrian Representatives met with so little sympathy and favour at the Paris Conference of 1858, as also the cause of their painful situation at the same place in 1856.

The granting of an exclusive privilege was also against the ruling principles of political economy, which advocate free competition. The point of view that there should be only one trading company on one and the same route can not be applied to water ways, these being nature's creations, not man's.

The privilege was not due to expire till 1855. Nevertheless in the year 1846, the government, for some reason or other, thought fit to prolong the duration of the privilege till 1880. The prosperous state of the company at that time did not warrant this step of the government <sup>1)</sup>.

That the Hungarian fight for freedom in 1848 was disastrous to traffic on the river for a time can be seen from the record of the Company of 1881 which says:

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<sup>1)</sup> In 1846 the passenger traffic between Pest and Orşova increased 90%, and the goods traffic 100%.



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"Since the foundation of the Company Hungary has been the principal place of traffic as well as the chief source of profit. Pest, Semlin and Szeged were the

Year.	Amount of Share Capital in Florins.	Number of ships.	H. P.	Number of tugs and other iron vessels.	Number of passengers goods		Amount of dividends	Per-cent.
					conveyed	in cwts		
1830	105,000	1	60	—	—	—	—	—
1831	105,000	1	60	—	—	—	5,250	5
1832	105,000	1	60	—	—	—	7,350	7
1833	268,275	2	110	—	—	—	7,350	7
1834	588,000	4	216	—	—	—	13,650	5
1835	735,000	5	296	—	17,727	43,152	6,825	2 <sup>1</sup> / <sub>2</sub>
1836	1,102,500	7	438	—	29,207	75,118	32,340	5
1837	2,205,000	10	718	—	47,436	109,750	38,640	5
1838	2,205,000	14	1,214	1	74,584	251,362	154,350	7
1839	3,150,000	17	1,438	3	105,926	244,288	110,250	5
1840	3,811,500	17	1,438	4	125,293	258,078	170,887	6
1841	4,200,000	22	1,754	5	170,078	359,504	181,912	5
1842	4,200,000	22	1,754	5	211,401	413,986	210,000	5
1843	4,200,000	26	2,356	9	236,805	592,212	210,000	5
1844	4,200,000	27	2,466	18	269,639	758,348	210,000	5
1845	4,200,000	28	2,442	33	349,875	1,154,705	336,000	8
1846	4,434,150	31	3,050	61	421,340	1,564,029	420,000	10
1847	6,300,000	41	4,252	110	437,523	2,351,905	403,200	9 <sup>6</sup> / <sub>10</sub>
1848	6,300,000	47	5,207	141	549,696	2,340,783	310,590	5
1849	6,300,000	48	5,287	155	247,044	1,039,457	157,500	2 <sup>1</sup> / <sub>2</sub>
1850	6,300,000	48	5,287	177	538,522	2,736,427	598,500	9 <sup>1</sup> / <sub>2</sub>
1851	7,639,957	51	5,661	200	471,937	4,330,896	525,000	8 <sup>3</sup> / <sub>10</sub>
1852	10,821,746	56	5,913	222	567,742	6,296,836	976,500	12
1853	14,852,486	73	8,073	283	528,470	6,146,588	420,000	5
1854	18,424,087	81	8,933	318	590,673	9,094,851	712,687	6
1855	20,756,067	93	9,563	338	528,493	10,646,456	2,113,650	11 <sup>6</sup> / <sub>10</sub>
1856	23,681,682	97	9,907	391	454,639	8,259,681	945,000	5

great trading places and they suffered greatly from the outbreak of the civil war."

After the capitulation of the fortress of Komárom on the Danube on the 27th of September 1849 General Haynau agreed to resume trade between Vienna and Pest. The dockyard at Ó-Buda came into the hands of Hungarian government during the War of Independence and was busy all the time; 24 hulks and 7 boilers were completed during the war.

The following "Survey of the Management of the First Austrian Danube Steam Navigation Company from 1836 till 1856" gives us a glimpse of the financial state of the firm. (See p. 148<sup>1</sup>).

At first sight we are almost overpowered by the magnitude of the numbers given in the table. But then we must not forget that there was no competition in the way of railways between Vienna and Pest till the year 1851.

These figures, large as they may seem, do not, by any means, give an exact account of all the shipping trade on the Danube at that time. More than half of all the goods trade was done by rowing boats and sailing-boats. We have no statistics of Danube navigation before the year 1865, and so exact figures can not be given of the amount of trade done by vessels which were driven by steam and those which were not<sup>2</sup>). But

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<sup>1</sup>) The report of the company to the Court Chancery in the month of June 1846 that the steamer "Erzherzog Ludwig" was the first to successfully navigate the Iron Gates in the month of April 1846, is not quite true to fact, because the "Argo" in 1834, as well as other ships succeeded in this at different times, when there happened to be plenty of water.

<sup>2</sup>) It was the proposal of M. Engelhardt, the French member of the European Commission at Galatz to have statistics of the whole Danube trade drawn up, that induced Austria to collect statistics of Danube trade within her own boundaries, for she was afraid that the European Commission might interfere in her affairs.



## 150 STEAM NAVIGATION ON THE DANUBE TILL 1856.

table p. 163 shows that not more than 34.5 % of all goods handled were conveyed by steam ships, and, therefore, our assertion that more than half of the cargo trade was performed by rowing-boats till 1856 is well founded.

The following statistics about the goods which passed the toll at Engelhartzell on the Austro-Bavarian frontier, are very incomplete.

year.	cwts.		total
	down.	up.	
1849	1,938,874	26 ,834	1,965,708
1850	2,416,174	44,894	2,461,068
1851	2,333,031	38,380	2,371,411
1852	2,929,454	101,728	3,031,182
1853	?	?	?
1854	2,006,051	74,426	2,080,477
1855	3,358,049	35,467	3,420,916
1856	3,092,355	30,915	3,123,270

The table though rather incomplete shows the total amount of goods conveyed to and from Vienna:

year.	cwts.	
	to.	from.
1835	5,260,864	314,107
1849	7,872,695	211,076
1850	8,731,417	473,621
1851	9,970,200	602,720
1852	9,303,480	745,028
1853	9,490,410	801,669
1854	10,239,526	1,011,241
1855	9,292,798	1,241,285
1856	10,562,496	1,246,454

The quantities of the different goods handled at the landing places in Vienna are given below:

year.	burning	building-	provisions	grain	manufac- tured goods.
	material.				
1835	3,641,722	982,375	143,019	73,329	734,526
1849	4,709,806	1,452,333	213,049	680,514	1,028,069
1850	4,826,941	1,884,574	201,892	566,695	1,723,936
1851	5,344,020	2,490,210	210,067	412,088	2,117,015
1852	5,177,640	2,265,510	224,949	361,350	2,019,059
1853	4,447,463	2,537,236	238,846	555,326	2,483,208
1854	4,526,900	2,246,871	242,818	808,491	3,425,687
1855	4,324,671	2,007,220	269,745	705,657	3,226,790
1856	4,492,063	2,403,489	275,264	546,630	4,091,504

The fact that the Treaties between Great Britain and Turkey (30th October 1799, 23rd July 1802) deal only with Black Sea navigation show that Britain was not yet aware of the great commercial possibilities of the Lower Danube. Russia's sphere of influence was greatly increased by the Treaty of Adrianople, and this helped to bring new life into the trade of Wallachia and Moldavia, by freeing them from Turkish fetters <sup>1)</sup>. Galatz and Braila were made free ports.

Towards the middle of the 19th century Great Britain was driven to cast longing eyes on the fertile districts near the mouths of the Danube, owing to the scarcity of her own crops and the uncertainty of get-

<sup>1)</sup> Baicoianu says that it was Russia's influence that abolished the trading monopoly of the Turkish merchants. But this is not the case, because the Séned of 1784 had already granted trading facilities to foreigners.



ting sufficient supplies from abroad <sup>1)</sup>. In exchange for Moldavian and Wallachian corn England exported manufactured articles to those countries, and, in 1838, she signed the "Ponsonby Treaty" with Turkey, which granted important privileges to British exporters.

The introduction of Steam Navigation gave a much-needed impetus to trade on the Lower Danube. Neigebaur, then Prussian Consul at Jassy gives the following figures about the export of wheat from Wallachia and Moldavia:

109,236,360 kilograms in 1837	152,880,200 kilograms in 1839
120,755,200       "       "       1838	169,650,803       "       "       1840

J. A. Vaillant in his reference to this period in his "La Roumanie, ou histoire...." Paris 1844, says: "There is no doubt that the area at present under cultivation is at least 10 times larger than in the year 1830 <sup>2)</sup>).

About the import of manufactured goods from England Neigebaur says:

"England floods all the Black Sea and Danube ports with its manufactures, and has just succeeded in capturing the Levantine market, and so Saxonia's greatest competitor has squeezed her way into Wallachia and Moldavia. The import of English manufactured goods and iron is rising by leaps and bounds, and is successfully competing with Saxonian and Austrian goods. A Russian firm at Galatz, Sechiari and P. Argenti, does a big trade in English goods. This firm not only uses its own ships to bring over English goods, but even sends Saxonian samples over to England for the English manufacturers to imitate."

<sup>1)</sup> Wurm in his Letters about the Danube states that, in 1831, two English ships, and in 1832 fifteen English ships appeared at the mouths of the Danube. The "Journal de Saint Pétersbourg" of the 28th of September 1854 says that altogether 418 ships sailed up the Sulina in 1830.

<sup>2)</sup> France imported immense numbers of leeches for medical purposes from the same district at that time.

The same writer goes on to say that the Saxonians were therefore forced to reduce their prices for cotton goods by about 20 %. He also gives a résumé of British goods imported into Galatz and Braila in the years 1841—1843:

Year.	single parcels.	total value in Florins.
1841	1201	600,500
1842	1750	870,000
1843	2050	1,004,500 <sup>1)</sup>

In spite of the increasing British competition, the export trade of Wallachia and Moldavia was principally done with Turkey, Russia, Servia and Austria. The value of goods exported to Austria was:

4,140,000	Florins in 1841,
5,575,100	„ „ 1842,
6,435,278	„ „ 1843.

As roads and railways were then scarce and in a primitive condition, most of the trade was done on the Danube. Baicoianu in his "History of the Roumanian Toll Policy" (p. 96) says: "The Danube became navigable for merchantmen after the Iron Gates had been made passable in the middle of the 19th century".

The following statistics of the European Danube Commission give the numbers and tonnage of the ships which sailed up the mouths of the Danube between 1847 and 1856: (See table on page 156—157).

From these figures we see that Great Britain occu-

<sup>1)</sup> Count Woronzoff in Odessa sent a similar report to the Russian Government at that time, and made proposals about how to compete with the English trade.



pies the third place on the list, both as regards the number of ships and the weight of goods carried. The "Journal de Saint Pétersbourg" of 28th September 1854 writes that in 1837—1,300 ships, and in 1846—1812 ships entered the Sulina, and admits that Austria's steam navigation is, in large measure, responsible for this great increase of trade. This same paper shows, by the following figures, that the trade of the Ionian Islands was slowly but surely going back: In 1830—79 ships, in 1832—168 ships, but in 1847 only 36 ships entered the Sulina <sup>1)</sup>.

The following report of the British Consulate at Galatz <sup>2)</sup> to his Government shows the importance of British interests at the mouths of the Danube:

"Galatz, September 30, 1850 . . . . When the question of the bar and navigation of Sulina was agitated ten years ago, the number of British vessels coming yearly to the Danube on an average of three years was eight, and even these few could not find cargo for England. Now on the average of the last three years, the number is 215, all of which find cargo, and 150 foreign vessels annually besides; further appearances are that the trade will continue to increase, provided vessels can come into the river. . . .

Table I. shows the number of British vessels leaving the Danube during the last thirteen years:

# I.

Year	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847
Vessels	15	6	12	8	3	14	7	26	19	52	394
Year	1848	1849									
Vessels	132	128									

<sup>1)</sup> The European Danube Commission mentions only 14 Ionian ships in 1847.

<sup>2)</sup> In 1851 the British government sent a Vice-Consul to Ismail to protect English commercial interests from the dangers of Russian negligence and corruption.

Number of Vessels of all nations departing from Galatz and Ibraila direct for the United Kingdoms during the last seven years, and number of Imperial Quarters of Grain loaded (the few vessels not loaded with grain being calculated into grain) and tonnage in dead weight, calculated at  $4\frac{2}{3}$  imperial quarters per ton weight:

## II.

Year.	Number of Vessels.			Imperial Quarters of wheat loaded on board.	Dead weight in tons.	Average Tonnage of each vessel.
	British	Foreign	Total.			
1843	7	—	7	—	1432	204
1844	20	9	29	31782	6810	235
1845	18	26	44	44531	9538	217
1846	52	16	68	64710	13866	204
1847	394	174	568	577387	123725	218
1848	132	106	238	273355	58576	255
1849	128	169	297	398392	85370	287

Number of Vessels clearing out for the following ports during the last seven years from Galatz and Ibraila, and total an average tons on dead weight:

## III.

Year.	Constantinople.				Triest and Venice.		Genoa, Marseilles and Leghorn.				United Kingdoms.	
1843	434	65378	150	268	52606	196	309	63217	204	7	1432	204
1844	628	96818	154	222	49716	224	294	66091	228	29	6810	235
1845	694	102762	148	226	45858	203	276	59654	216	44	9538	217
1846	692	98251	142	265	48256	186	401	77554	191	68	13866	204
1847	—	—	—	—	—	—	—	—	—	—	—	—
1848	492	76571	155	187	39872	213	160	34943	218	238	56576	255
1849	620	103071	169	126	27856	221	101	23357	231	297	85370	287



	1847		1848		1849		1850		1851	
	ships.	tons.	ships.	tons.	ships.	tons.	ships.	tons.	ships.	tons.
America .....	—	—	—	—	—	—	—	—	1	1
Austria-Hungary .....	144	28975	102	22408	135	31618	96	19487	105	210
Belgium .....	5	889	2	345	1	224	1	184	1	2
Denmark .....	8	922	1	92	—	—	—	—	2	2
France .....	45	6127	8	1071	9	1426	2	352	5	8
Great-Britain .....	151	22614	133	21248	132	21843	108	17709	306	540
Greece .....	630	94500	532	90440	880	158400	860	154800	951	1616
Hanover .....	2	262	—	—	1	265	1	158	5	6
The Netherlands .....	5	712	—	—	—	—	—	—	1	1
The Ionian Islands .....	14	1887	29	4635	36	5529	27	3830	52	76
Mecklenburg .....	—	—	—	—	—	—	3	647	10	228
Moldavia .....	14	3342	19	5528	3	644	9	1742	6	8
Norway .....	—	—	—	—	—	—	—	—	—	—
Oldenburg .....	—	—	—	—	—	—	—	—	8	9
Prussia.....	11	2287	—	—	1	200	11	2230	24	51
Russia .....	125	22845	72	14665	110	22297	61	12287	74	161
Samos .....	14	1151	8	912	18	1916	11	1353	15	14
Sardina .....	151	18799	67	10141	49	7557	37	5475	95	154
Servia .....	—	—	—	—	—	—	1	240	—	—
Sicily .....	—	—	—	—	—	—	—	—	—	—
Sweden .....	—	—	—	—	—	—	—	—	—	—
Toscana .....	2	280	2	328	1	183	—	—	1	2
Turkey.....	663	76517	291	42923	214	37327	174	29433	372	598
Wallachia .....	43	585	30	3947	51	8083	47	7022	68	88
Hanseatic towns .....	—	—	—	—	—	—	—	—	—	—
Austrian steamers ....	36	11014	35	10561	35	12901	40	15386	52	129
French steamers .....	—	—	—	—	—	—	—	—	—	—
Total .....	2063	298975	1331	229244	1676	310413	1489	272353	2154	3709

Oscar Peschel informs us that the bulk of goods shipped from the Sulina increased from 31,195 centners, worth less than 10,000 Florins, in 1835, to 7,165,267 centners worth 23,248,000.— Florins, in 1851.

1852		1853		1854		1855		1856		Total	
ships.	tons.	ships.	tons.	ships.	tons.	ships.	tons.	ships.	tons.	ships.	tons.
—	—	1	102	—	—	3	670	2	642	7	1604
149	30004	111	19555	40	8910	363	84463	239	56163	1484	322637
3	527	5	854	—	—	5	907	7	1043	30	5197
17	1817	8	947	—	—	12	1432	16	1979	64	7405
12	1551	36	4233	2	241	3	515	34	4078	156	20473
343	62540	205	35241	45	7840	—	—	161	32046	1584	27514
973	171248	1049	199310	520	109200	2151	451710	962	202020	9508	1793298
28	3961	11	895	—	—	44	7285	65	7594	157	21105
19	4008	56	8402	18	3242	83	10434	104	11031	286	37971
58	9355	72	8697	10	1240	—	—	34	4927	332	47760
7	1647	—	—	3	753	36	9577	8	1617	67	16527
15	2058	13	1308	4	645	8	1188	38	4341	129	21692
6	402	13	1642	3	389	51	7426	33	4986	106	14845
17	2132	9	976	—	—	19	3548	36	6384	89	13940
17	3707	4	852	3	920	11	2762	12	2834	94	20935
67	11148	63	9644	4	364	—	—	8	876	584	110283
18	1467	45	3004	—	—	1	105	16	1537	146	12911
99	14995	144	20441	14	1977	—	—	75	10342	731	105217
—	—	1	125	—	—	25	3359	12	1364	39	5088
9	1944	22	5304	2	223	5	730	2	394	40	8595
16	2828	15	2382	1	131	6	1123	7	1132	45	7596
10	2018	3	475	—	—	47	11157	22	4024	88	18710
444	74525	406	56284	—	—	—	—	125	17077	2689	393898
92	12373	155	17779	8	1270	36	5119	81	8815	611	79109
3	402	3	356	3	382	10	1507	11	1400	30	4047
54	23742	40	14250	—	—	9	2262	83	19913	384	122947
—	—	—	—	—	—	—	—	18	3865	18	3865
2476	440400	2490	413058	680	137727	2928	607279	2211	412424	19498	3492800



The table in Ibraila for 1847 was not made up, but for Galatz it stands thus:

1847 |122| 13531|110| 52| 11571 |223|213| 41607|195|206| 45487 |215"

The appended articles written by the merchant N. Nikolich at Triest in 1856 illustrate the state of trade and the difficulties with which traders had to contend:

"Wallachia and Moldavia export millions of hundredweights of grain every year. Braila is the principal port of Wallachia, where all provisions, destined for foreign countries further down the river arrive. Only sea ships of small tonnage load at Giurgevo, Oltenitza, and at the other wharves near Braila. Galatz is the centre of the Moldavian import and export trade, and the grain for export is carted thither by the peasants and merchants. Some grain is also carted to Braila, but the greatest part is conveyed along the Danube, where the principal loading places are at: Gruja, Csetate, Kalafat, Pignet, Islasz, Turno-mogarell, Simniza, Giurgevo Oltenitza, the mouth of the Jalomitza etc."

"We will now sketch the troublesome and expensive manipulations, with which the export trade is connected at present. Corn bought loco Kalafat is conveyed to Braila by means of tugs, and is either stored or immediately transferred into sea ships. When there is a sufficient depth of water at the mouth of the Sulina, sea ships, loaded, drawing not more than 8 feet of water can with difficulty sail to the Black Sea. When the water is shallow, larger ships must discharge their cargo several times, the first discharge taking place at Argagni, and the second also on this side of the Sulina bar. The lighters which are used for this purpose are mostly Greek, and of course both very bad and very unsafe. This repeated loading and unloading gives ample opportunity for theft and robbery. Large quantities of grain are stolen, but some of the marauders, thinking themselves more honest than their confrères, steal good corn and put bad corn in its place. Most of the lighters are so frightfully rickety that one has always the feeling that they are just about to break in pieces."

"If any proof be needed of the assertion that theft and robbery are rife, it is to be found in the fact that corn is exported in quantity from the district round about Sulina, which is anything but a corn-growing district. That the statement about the rickety lighters is no exaggeration is proved by the decision of the insurance brokers at Triest, not to

accept any risk for goods conveyed in those hulks. Goods can then only be shipped at owner's risk, unless insured in England or elsewhere on payment of enormous premiums."

Baicoianu gives the following tables of duties charged for goods exported from Wallachia in 1833 and from Moldavia in 1855:

I.				II.			
wheat	per	Kila <sup>1)</sup>	6 Lei	wheat	per	Kila <sup>2)</sup>	4 Lei
rye	"	"	6 "	rye	"	"	4 "
maize	"	"	5 "	maize	"	"	2,27 "
oats	"	"	4 "	oats	"	"	2 "

Besides these tolls which amounted to 6 or 8 % of the value of the goods, there was an additional charge of  $17\frac{1}{2}$  % of the total proceeds of the toll. The "Bojars", the Roumanian landed proprietors, often knew how to get for themselves exemption from these duties.

On the 8th of November 1853 the Austrian Consul at Galatz gives the following table of charges for lighters:

6000	Turkish	kilo	650	Jermelik <sup>3)</sup>	3000	Turkish	kilo	400	Jermelik
5000	"	"	600	"	2000	"	"	300	"
4000	"	"	500	"	1500	"	"	200	"

<sup>1)</sup> Wallachian Kila = 6.79268 hectolitres, 1 Lei = 0.37 centime.

<sup>2)</sup> The Moldavian Kila is smaller than the Wallachian, containing only 4.3 hectolitres.

<sup>3)</sup> 1 Jermelik nearly  $4\frac{1}{2}$  francs.



## Second Part.

### STEAM NAVIGATION ON THE DANUBE FROM 1856 TILL TO-DAY.

The Treaty of Paris caused a revolution in trade on the Lower Danube. The mouths of the river, which was only navigable for ships of not more than 400 registered tons, now came under the control of the European Danube Commission as provided by Article XVI. of the Paris Treaty.

The following report issued by the European Danube Commission shows the state of affairs on that part of the river when the Commission assumed control:

"The ships had to contend with many serious difficulties. In stormy weather the lighters tried to flee into ports and many of them were destroyed, and it was no uncommon occurrence for ships to run aground, as we are told that in 1855 during a North-East gale 24 ships and 60 lighters ran aground and 300 lives were lost."

Lieutenant Colonel Stokes, the first British member of the European Danube Commission sent a similar report to Earl Granvill in 1871:

". . . . Half a mile seaward of the mouth of the Sulina Branch, the only navigable entry to the Danube, a shoal or bar extended across the channel, reducing its depth, at times, to eight feet, and never going more than eleven, the usual depth having been about nine feet. This bar was a quarter of a mile in length between the deep water of the river and that of the sea, the channel through it was narrow, and varying in direction. Numerous wrecks strewed the entrance and helped to consolidate and extend the bar."

So many ships were stranded at the mouth of the

Danube that the Commission found it expedient, at its very first meeting (4th November 1856) to have them refloated. The control of the technical part of the work was assigned to Sir Charles Hartley, C. E., a Devonshire gentleman <sup>1)</sup>. The first task he set himself was to render the Sulina branch passable at least temporarily. His work was so crowned with success that in 1860 there was a total depth of 11 feet, which enabled the Commission to make a start with the levying of dues.

An International Technical Commission called together in Paris on the proposal of Lord Malmesbury <sup>2)</sup> in 1858 decided that the St. George branch of the Danube Delta should be regulated for permanent use. But we know that this decision was not carried into effect, because the dredging works of the Sulina branch were declared permanent in 1865 <sup>3)</sup>.

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<sup>1)</sup> Scientific treatises written by the two Austrians Wex and Pasetti were consulted by the Engineers.

<sup>2)</sup> On this occasion Lord Malmesbury sent the following very interesting letter to the British Ambassador in Vienna: "... It seems impossible not to concur in the conclusion that it will be necessary to obtain from professional men of experience for the general opinions on the questions which have been discussed by the commissioners. It is quite clear that the conference about to assemble at Paris must naturally consider what is to be done respecting the improvement of the navigation of the Lower Danube, if for no other reason, because the period of two years fixed for the completion of the works has nearly expired and not only have the works not been commenced, but the principle on which they are to be carried on has not been decided upon."

"It seems equally clear that the plenipotentiaries assembled in congress will not possess sufficient scientific knowledge in regard to question of this sort to enable them to decide authentically what course should be adopted ...."

<sup>3)</sup> The appended letter by Lord Russell to Lord Bloomfield in Vienna throws a very clear light on the subject: "July 7th, 1865 .... I have come to the conclusion that it is inexpedient any longer to discuss whe-



Reports published by the Commission at various times show how the work advanced. In 1865 a depth of 12 feet had been reached on the Sulina, 13 feet in 1874 and 22 feet in 1911. Since that time the Commission has been incessant in its endeavours to improve trading facilities at the mouth. Repeated attempts were made to do the same for the St. George branch but without success <sup>1)</sup>.

Up to the year 1911 a sum of 54 million Francs had been spent on the work. The first expenses were defrayed by Turkey, which contributed 309.000 ducats. After the European Danube Commission had borrowed 72.000 ducats from the Ottoman Bank at the high rate of 13 %, 800.000 Marks from the Norddeutsche Bank and 21.000 ducats from a Vienna banker, Lord Stanley proposed in 1868 that the European Powers should stand as surety for a loan of £ 135.000.— to be paid back out of the proceeds of the dues collected from vessels trading at the mouth of the river. An agreement was come to in the same year, and the London Bankers Bishoffsheim and Goldschmidt lent the money.

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ther works should be undertaken for the improvement of the St. Georges mouth of the Danube, which would require not only the assent of all the Powers, parties to the Treaty of 1856 which it can hardly be expected should be obtained, but also a considerable outlay of money, which could not be raised without difficulty if at all, or without some degree of liability being incurred by the several Powers, which H. M.'s Government are at all events unwilling for themselves to incur. Under these circumstances the only course appears to be to give stability to the temporary works which have been so successfully adopted for the improvement of the Sulina Channel ...."

<sup>1)</sup> Further details about the work of the Commission are found in the "Mémoires de la Commission européenne des Bouches du Danube."

The following table shows what rapid strides were made in trade after the Commission undertook its work:

Year.	Number of sailing vessels.	Tonnage.		steamers	Total number of all ships.	Total tonnage of all ships.
		total.	average.			
1855	2919	495015	169	9	2928	496866
1860	3288	475679	145	203	3491	538099
1870	2212	461460	208	329	2541	600970
1880	1227	189553	154	586	1813	658063
1890	525	90188	172	1303	1828	1539445
1900	226	53985	—	875	1141	1258509
1913	34	5606	—	902	936	1742907

The next table on page 164—165 shows the countries to which the ships belonged:

Although the Treaty of Paris did much to improve the conditions prevailing on the Lower Danube it did not materially effect the situation on the Upper and Middle Danube. It is true that the Austrian Danube Steam Navigation Company was no longer allowed a monopoly, but its position was already so strong that no other enterprise could hope to compete with it <sup>1)</sup>).

Even the Bavarian Würtemberg Danube Steam Navigation Company, whose shares were in the hands of the Bavarian Government, was completely ruined, owing principally to the successful competition of the Austrian Danube Steam Navigation Company, and it was finally obliged to sell all its shares and property to the Austrian Company.

The following rather old-fashioned statistics of

<sup>1)</sup> In 1857 the Austrian Danube Steam Navigation Company possessed 101 steamers and 359 tugs.



	1856		1860		1870	
	number of ships.	tonnage	number of ships.	tonnage	number of ships.	tonna
Great-Britain ....	161	32084	374	96737	366	1364
France .....	34	4078	33	6916	38	140
Austria-Hungary ..	239	46035	186	46516	223	863
Italy .....	99	13136	237	39878	374	1590
Germany .....	132	19509	59	12322	13	38
Greece .....	996	157821	1354	163764	724	1104
The Netherlands ..	104	9817	40	4800	7	11
Norway .....	33	4886	25	3927	42	113
Roumania .....	119	8246	148	13394	54	73
Russia .....	8	946	48	7409	82	141
Turkey .....	125	13661	703	70145	549	423
Other countries ..	60	7123	81	9871	29	71

Danube trade in the year 1865 were published by the Austrian Government a year later.

The total amount of goods handled at the different ports of the Danube and its tributaries in the year under consideration was:

61,870,000 centner corn, wood and manufactured goods

7,925,501 trees, boards, bricks, and cattle.

31.5 % of this trade was done between Ulm and Pest.

54.5 % between Pest and Orsova, and

14 % „ Orsova and Sulina.

Private rowing boats carried 65.5 % of all the goods, the Austrian Danube Steam Navigation Company 24.4 %, and other vessels on the Lower Danube 10.1%.

The ratio of the down-traffic to the up-traffic between Ulm and Pressburg was 324:100, between Pest and Orsova 106:100, and between Orsova and Sulina 123:100.

After 1867, when Hungary gained its political and

1880		1890		1900		1913	
number of ships.	tonnage	number of ships.	tonnage	number of ships.	tonnage	number of ships.	tonnage
371	332258	778	983862	260	458721	278	669589
58	45091	55	61674	24	31712	28	54779
111	49151	109	80560	81	131503	158	313219
52	15239	60	58560	86	127426	118	181860
5	3493	34	34858	16	22429	23	57927
722	156757	235	164993	197	256128	112	211729
1	1030	11	11151	3	5333	8	18729
4	4045	26	29215	3	4842	8	15484
19	1644	5	594	33	43156	57	77547
62	8803	96	30844	191	89418	66	65979
398	37509	417	81585	178	51822	38	13216
10	3043	2	1549	29	27819	42	62849

economic independence, and again after the states of Roumania, Servia, and Bulgaria had been acknowledged by the Powers, several new steam navigation companies made their appearance on the Danube.

The following is a table of the different companies and the vessels of all kinds owned by them trading on the Danube in 1916: (See p. 166).

The following statistics published by the Danube Conference at Budapest on the 4th of September 1916, although giving a very fair idea of the traffic on the Danube in the last few years, are not exact, because the methods adopted by the various countries was not an uniform one.

Bavaria:		Up trade	Down Trade
1912 total traffic	433636,	239369	194267
1913   "   "	322252,	143733	178519
1914   "   "	342422,	189019	153403
1915   "   "	259583,	142913	116670



NAME OF COMPANY	NUMBER OF		Total	H. P.	Motor tugs.	Iron tugs.	Wooden tugs.	Total	Total tonnage
	steam tugs.	passenger steamers.							
Austrian Danube Steam Navigation Company . . . .	98	47	145	64300	1	852	—	853	480000
Kön. Ung. Fluss- u. Seeschiffahrts- Akt. Ges. . . .	52	22	74	32800	—	389	5	394	218000
Süddeutsche Dampschf. Ges. .	11	—	11	6260	5	110	—	115	77800
Ung. Binnenschif. Ges. . . . .	13	1	14	4900	—	65	33	98	56000
Bayrischer Lloyd	4	—	4	2300	3	40	—	43	28200
Francis Canal Com- pany . . . . .	5	—	5	450	—	—	—	—	—
Royal Hungarian Authorities. . .	13	—	13	2500	—	22	80	102	20000
Austrian Authori- ties . . . . .	5	—	5	1140	—	3	61	64	5450
Several others .	29	13	42	5580	—	83	340	423	86700
Roumanian State River Vessels .	54	—	54	12363	—	133	—	133	36630
Roumanian Pri- vate Enterprises	48	—	48	2940	—	134	120	254	116300
Total. . . . .	352	96	428	137160	9	1831	639	2479	1125774

## Danube trade in Austria:

1900	1810000 tons
1909	1640000 „
1912	2590000 „
1913	2190000 „
1914	1810000 „

## River trade in Hungary:

1911	4744000 tons
1912	5093000 „
1913	4863000 „

## River trade in Roumania:

	Import	Export	Total
1909	1375314	2015349	3390663
1910	2780265	3056785	5837051
1911	2206757	3625768	5832525
1912	2103172	3080395	5183568
1913	1856675	3681335	5538011

## River trade in Bulgaria:

	Import	Export	Total
1908	176000	219000	395000
1909	255000	175100	430100
1910	203000	301000	504000
1911	237000	431000	669000
1912	270000	342000	612000.

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